

## APPENDIX A



**Jim Watson**  
Mayor Maire

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December 7, 2020

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
17th Floor, 777 Bay St.  
Toronto, ON M7A 2J3  
[steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)

### ***By e-mail***

### **Re: Revisions to the *Municipal Act, 2001* – Vacating of the Seat of a Member of Council**

Further to recent findings of the City of Ottawa's Integrity Commissioner that a Member of Council engaged in "incomprehensible incidents of harassment" involving job candidates and staff, I am writing on behalf of Council to initiate a dialogue with you, as well as all municipalities and external organizations such as the Association of Municipalities of Ontario (AMO) and the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), regarding the ways and means to have a Councillor's seat vacated for serious misconduct.

This letter is issued further to Ottawa City Council's direction of November 25, 2020 (as attached), which provided, in part, as follows:

**"BE IT FURTHER RESOLVED that Council direct the Mayor in consultation with the City Clerk and the City Solicitor write to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, seeking revisions to the *Municipal Act, 2001* that would provide for the vacating of the seat of a member of council who has been found on clear and convincing evidence to have committed serious misconduct, including any definitions necessary for the implementation of such a provision ...."**

As described below in more detail, such revisions could be undertaken via an arm's length, non-political third party with powers to address inappropriate behaviour through greater penalties, including the dismissal of a Member of Council for certain acts. Another option would be to provide that a Council or a municipal Integrity Commissioner may refer a Code of Conduct violation (and violator) to the court for a judicial hearing and potential removal from office, similar to the current process with respect to matters relating to the *Municipal Conflict of Interest Act*.

By way of background, as you are aware, the City of Ottawa's Integrity Commissioner, Mr. Robert Marleau, issued reports in July 2020 and November 2020, that determined Councillor Rick Chiarelli (the "Respondent") breached sections of the City of Ottawa's Code of Conduct for Members of Council in relation to allegations set out by five complainants who included three job candidates and two office staff.



In his report to Council on July 15, 2020, regarding the three job candidates, the Integrity Commissioner found that “the complainants met with the Respondent on the understanding they were interviewing for a position in the Respondent’s office. The Respondent exploited the power dynamic of the situation, in which the Respondent held out the possibility of employment, to sexualize the discussion and questions in a manner that was upsetting and unacceptable,” and “that such a comportment by an elected public office holder deeply harms the public interest and seriously damages the trust covenant with the citizens who elect them.”

In his report to Council on November 25, 2020, which related to two of the Councillor’s former employees, the Integrity Commissioner determined that, “The conduct of the Respondent acting as a public service employer did not honourably serve the interest of his constituents,” and that Councillor Chiarelli “manipulated the two complainants by pressuring them to use their sexuality for the questionable purpose of recruiting male volunteers and spying or gathering information on his Council colleagues,” and “repeatedly told sexualized stories about former office staff, colleagues and members of the public that were offensive and disrespectful.” The Integrity Commissioner further concluded that the Councillor’s conduct:

“... is a shocking and astounding failure to treat the complainants with the respect they were due and required of him by the Code of Conduct. These are incomprehensible incidents of harassment that fall squarely within the definitions set out in the above City policies. The Respondent has deliberately engaged in a course of vexatious and troublesome comments against several individuals; he was absorbed in planning and executing volunteer subterfuge recruitment campaigns by objectifying the sexuality of his female employees; he abused his staff by tasking them with improper duties and functions; he employed intimidation and divisive ploys, including threats of dismissal and retaliation to coerce individuals to submit to his demands. With forethought, he conducted himself with total disregard for any of the principles and values outlined in the Code of Conduct and the workplace policies proclaimed by Council.”

For each complaint, the Integrity Commissioner recommended, and Council approved, the most severe sanctions available under existing legislation in relation to a breach of the code of conduct, being suspension of the remuneration paid to the Member in respect of his or her services as a member of council for a period of up to 90 days. Most recently, with respect to the November 2020 report, the Integrity Commissioner further recommended, and Council approved:

- Directing that the effective starting date for the above recommendations for suspension of remuneration follow the end of the suspensions of remuneration of Councillor Chiarelli approved by Council on July 15, 2020, and be applied consecutively;



- Removing Councillor Chiarelli from the membership of all committees of Council and any other boards, local boards, agencies or commissions he has been appointed to by Council for the remainder of the 2018-2022 term of office; and
- Suspending all delegated authorities of Councillor Chiarelli to hire staff and to order and approve any budgetary expenditures for the remainder of the 2018-2022 term of office and that the said delegated authorities shall be vested as recommended by the City Clerk in a separate report to Council.

Further to consideration of the November 2020 report, on November 25, 2020, Council also approved motions that provided additional remedial measures. Those measures included my issuance of this letter to seek revisions to the *Municipal Act, 2001*, as well as:

- Directing that the Mayor issue a formal apology on behalf of City Council;
- Calling on Councillor Chiarelli to recognize that his conduct in these matters has been contrary to the Code of Conduct for Members of Council and that, in the interest of preserving public confidence and respect for the City of Ottawa and the effective representation of residents living in Ward 8, he tender his resignation as a member of City Council, effective immediately;
- Directing staff to review and report back to Council on options for introducing further restrictions on Councillor Chiarelli's access to City staff in City of Ottawa municipal buildings; and
- That Councillor Chiarelli may only participate in Council Meetings via electronic methods or, when in-person Council meetings resume in Council Chambers, in alternative seating to be reserved for the Member of Council by the City Clerk and which is not physically near other Members of Council.

The Integrity Commissioner's reports, and relevant Council meeting minutes are attached to this letter for your ease of reference.

It is clear that existing statutory provisions and authorities do not adequately address cases in which there is clear evidence of the most egregious breaches of a Council Code of Conduct. Therefore, I am requesting on behalf of Ottawa City Council that the *Municipal Act, 2001*, be revised to provide for the vacating of the seat of a Member who has been found on clear and convincing evidence to have committed serious misconduct, including any definitions necessary for the implementation of such a provision.



While politicians should not have the ability to fire another politician, I believe there are other options that should be considered. One such option may be to amend the Act to provide an arm's length, non-political third party – such as the provincial Integrity Commissioner or Ombudsman, or the municipal Integrity Commissioner – with greater powers to address inappropriate behaviour through greater penalties, including the dismissal of a Member of Council for certain acts.

Another potential option would be amend the Act to provide that a Council or a municipal Integrity Commissioner may refer a Code of Conduct violation (and violator) to the court for a judicial hearing and potential removal from office, in a manner similar to the current process with respect to matters relating to the *Municipal Conflict of Interest Act*. This would provide for the courts to conduct an independent assessment of the matter, further to the legislative precedent set with conflict of interest matters.

Should you have any questions in this regard, or wish to discuss these matters further, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Watson'.

Jim Watson

Mayor

City of Ottawa

c.c. The Honourable Lisa MacLeod, MPP Nepean  
The Honourable Merrilee Fullerton, MPP Kanata-Carleton  
Stephen Blais, MPP Orléans  
Lucille Collard, MPP Ottawa-Vanier  
John Fraser, MPP Ottawa South  
Goldie Ghamari, MPP Carleton  
Joel Harden, MPP Ottawa Centre  
Jeremy Roberts, MPP Ottawa West-Nepean

**Report to  
Rapport au:**

**Council  
Conseil**

**15 July 2020 / 15 juillet 2020**

**Submitted on July 9, 2020  
Soumis le 9 juillet 2020**

**Submitted by  
Soumis par:**

**Robert Marleau, Integrity Commissioner/Commissaire à l'intégrité**

**Contact Person**

**Personne ressource:**

**Robert Marleau, Integrity Commissioner/Commissaire à l'intégrité  
(613) 580-2424 x21978, *integrity@ottawa.ca***

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2020-OCC-GEN-0023**

**SUBJECT: Report to Council on an Inquiry Respecting the Conduct of  
Councillor Chiarelli**

**OBJET: Rapport au Conseil sur une enquête concernant la conduite du  
conseiller Chiarelli**

## **REPORT RECOMMENDATIONS**

**The Integrity Commissioner recommends that City Council:**

- 1. Receive this report, including the finding that Councillor Chiarelli has contravened Section 4 and Section 7 of the Code of Conduct; and**
- 2. Consecutively impose the following sanctions for each individual contravention of the Code of Conduct commencing on adoption of this report:**

- a. **Complaint 1 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days;**
- b. **Complaint 2 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days;**
- c. **Complaint 3 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days.**

## **RECOMMANDATIONS DU RAPPORT**

**Le commissaire à l'intégrité recommande que le Conseil municipal :**

1. **prenne connaissance du présent rapport ainsi que de la conclusion selon laquelle le conseiller Chiarelli a enfreint l'article 4 et l'article 7 du Code de conduite;**
2. **impose de manière consécutive les sanctions suivantes pour chacune des contraventions au Code de conduite à compter de l'adoption du présent rapport :**
  - a. **Plainte 1 – Suspension de la rémunération versée au conseiller Chiarelli pour ses services en qualité de membre du Conseil pour une période de 90 jours;**
  - b. **Plainte 2 – Suspension de la rémunération versée au conseiller Chiarelli pour ses services en qualité de membre du Conseil pour une période de 90 jours;**
  - c. **Plainte 3 – Suspension de la rémunération versée au conseiller Chiarelli pour ses services en qualité de membre du Conseil pour une période de 90 jours.**

## **BACKGROUND**

On July 11, 2012, City Council approved the establishment of the Integrity Commissioner position. The City of Ottawa's Integrity Commissioner fulfills the role of Integrity Commissioner, Lobbyist Registrar and Meetings Investigator.

The jurisdiction of the Integrity Commissioner is set out in Section 223.3 of the *Municipal Act, 2001* (the "Act"), as follows:

1. *The application of the code of conduct for members of council and the code of conduct for members of local boards.*
2. *The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.*
3. *The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.*
4. *Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.*
5. *Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.*
6. *Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.*
7. *The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act. 2017, c. 10, Sched. 1, s. 19 (1).*

[...]

#### *Powers and duties*

*(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.*

*The attached report relates to an inquiry undertaken by the Integrity Commissioner in his role as Integrity Commissioner pursuant to his jurisdiction set out in Section 223.4 of the Act, as follows:*

#### *Inquiry by Commissioner*

*223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,*

*(a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or*

*(b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.*

*Powers on inquiry*

*(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, 2009, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).*

The Integrity Commissioner and all people acting under his instructions are bound by a duty of confidentiality under which secrecy is to be preserved with respect to all matters that come to his or her knowledge in the course of conducting an Inquiry, in accordance with Section 223.5 of the Act, as follows:

*Duty of Confidentiality*

*223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

*Exception*

*(2) Despite subsection (1), information may be disclosed in a criminal proceeding as required by law or otherwise in accordance with this Part. 2006, c. 32, Sched. A, s. 98.*

*[...]*

*Section prevails*

*(3) This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c.32, Sched. A, s. 98.*

Where the Integrity Commissioner reports to Council, Section 223.6 of the *Municipal Act, 2001* sets out the following specific requirements:

*Report to council*

*223.6 (1) If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 32, Sched. A, s. 98.*

*Report about conduct*

*(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.*

*Publication of reports*

*(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.*

The Complaint Protocol of the Code of Conduct for Members of Council (Appendix A to By-law 2018-400) sets out the framework for receiving complaints, conducting investigations and reporting to Council. Section 11 of the Complaint Protocol requires that the Integrity Commissioner report to Council where a complaint is sustained in whole or in part and outline the Integrity Commissioner's findings, the terms of any settlement and/or any recommended corrective action.

This report is submitted to Council under subsections 223.4(1), 223.6(2) and 223.6(3) of the Act and Section 11 of the Complaint Protocol of the Code of Conduct for Members of Council (Appendix A of By-law 2018-400).

## **DISCUSSION**

The attached report is the Integrity Commissioner's final report respecting three separate formal complaints filed by members of the public concerning the conduct of Councillor Chiarelli.

Between September 6, 2019 and October 8, 2019, three individuals filed a formal complaint and sworn affidavit alleging that Councillor Chiarelli's conduct during their respective job interviews contravened Section 4 (General Integrity) and Section 7 (Discrimination and Harassment) of the Code of Conduct for Members of Council ("Code of Conduct").

Following a preliminary review of the information submitted, the Integrity Commissioner determined that the complaints were not frivolous or vexatious and concluded there were sufficient grounds for a formal investigation.

As the allegations set out in the formal complaints were analogous in nature, the Integrity Commissioner conducted one inquiry. However, each complaint has been treated separately, each with individual findings and recommendations.

The Integrity Commissioner retained the services of an independent investigator to complete the investigation. The Investigator was delegated the responsibility for the investigation in accordance with subsections 223.3(3) and 223.3(4) of the *Municipal Act, 2001*:

***Delegation***

*223.3 (3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.*

***Same***

*223.3 (4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98*

The attached report outlines the Integrity Commissioner's individual findings and recommendations for each of the three formal complaints.

**RURAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**CONSULTATION**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**COMMENTS BY THE WARD COUNCILLOR(S)**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**LEGAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**RISK MANAGEMENT IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**FINANCIAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**ACCESSIBILITY IMPACTS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**TERM OF COUNCIL PRIORITIES**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

**SUPPORTING DOCUMENTATION**

Document 1 – Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli

**DISPOSITION**

Decisions made by Council as a result of this report will be implemented.

# **Integrity Commissioner**

## **Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli**

July 9, 2020

## THE COMPLAINTS

- 01 I received a total of five formal complaints against Councillor Chiarelli. Between September 6, 2019 and October 8, 2019, I received three individual formal complaints from job candidates alleging that Councillor Chiarelli contravened Section 4 (General Integrity) and Section 7 (Discrimination and Harassment) of the Code of Conduct for Members of Council (“Code of Conduct”).
- 02 These formal complaints were filed by members of the public who had interviewed for a job in Councillor Chiarelli’s office. The detailed allegations of each formal complaint allege that:
  - Complaint 1:** During a job interview with Councillor Chiarelli, the Councillor asked Complainant 1 what she would be willing to wear on the job, including whether she would “go bra-less” and if she was comfortable showing her arms and legs, showed Complainant 1 inappropriate photographs, on his phone, of former staff, and explained to Complainant 1 how attractive women are important to gather information and attract volunteers by getting men to hit on them.
  - Complaint 2:** During a job interview with Councillor Chiarelli, the Councillor discussed recruiting volunteers (specifically young men) at nightclubs, indicating that recruitment works best if the individual isn’t wearing a bra, and asked Complainant 2 if she would be willing to not wear a bra at nightclubs to recruit young men.
  - Complaint 3:** During a job interview with Councillor Chiarelli, the Councillor made inappropriate comments respecting the Complainant’s body and asked her inappropriate questions including whether she would consider stripping (because of her dance experience) or had participated in “World Orgasm Day”.
- 03 The two additional formal complaints against Councillor Chiarelli were filed by former employees of his office. I will deal with the two complaints from former employees in a separate report. The allegations set out in all five formal complaints are analogous in nature, and for this reason, I conducted one inquiry. However, each complaint has been treated separately, each with individual findings and recommendations.

## SUMMARY OF FINDINGS

04 For the reasons set out in this report, I make the following findings in relation to the three complaints:

**Complaint 1:** I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct.

**Complaint 2:** I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct.

**Complaint 3:** I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct.

## INQUIRY PROCESS AND STEPS

05 I met individually with each of the three complainants (separately) to review the complaint process and the options before them, as follows:

**Complaint 1:** On July 2, 2019, I received an anonymous email alleging inappropriate behaviour by Councillor Chiarelli during an interview. As I cannot accept anonymous complaints under the Complaint Protocol, I advised the individual of my duty of confidentiality and suggested to the individual that she meet with me to discuss the complaint process. On September 6, 2019, I met with Complainant 1 and discussed her options. Complainant 1 filed her formal complaint, including a sworn affidavit, on September 6, 2019.

**Complaint 2:** On October 3, 2019, a member of the public contacted me by email and indicated she wished to file a formal complaint against Councillor Chiarelli for inappropriate behaviour during a job interview. On October 8, 2019, I met with Complainant 2 to discuss the complaint process at which time she filed her formal complaint, including a sworn affidavit.

**Complaint 3:** On September 22, 2019, a member of the public reached out to my Office by email to indicate she wished to file a complaint against Councillor Chiarelli for inappropriate behaviour. On October 8, 2019, I met with Complainant 3 to discuss the complaint process at which time she filed her formal complaint, including a sworn affidavit.

- 06 The Complaint Protocol (Appendix A of By-law 2018-400, the Code of Conduct for Members of Council) sets out the framework for receiving complaints, conducting investigations and reporting to Council.
- 07 Following an intake analysis of each complaint, I concluded that each individual complaint was not frivolous or vexatious. I determined that I had jurisdiction over the complaints. In considering jurisdiction, I reviewed the City's Violence and Harassment in the Workplace Policy and the Council-Staff Relations Policy, which states that the language of the Code prevails in any discrepancy between the Council-Staff Relations Policy and the Code. Consequently, I decided that there were sufficient grounds for a formal investigation. In conformity with the Complaint Protocol, I issued notice of an inquiry to each complainant and the Councillor, as follows:

**Complaint 1:** Notice of Inquiry was sent on September 17, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 1, 2019.

**Complaint 2:** Notice of Inquiry was sent on October 10, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 25, 2019.

**Complaint 3:** Notice of Inquiry was sent on October 15, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 29, 2019.

### ***The Respondent***

- 08 On September 24, 2019, I received a communication from Councillor Chiarelli's legal counsel. The letter raised a "preliminary procedural issue" with respect to the processing of complaints and my authority and/or jurisdiction to move forward with an investigation. In effect, Councillor Chiarelli's legal counsel argued that allegations against the Councillor fell squarely within the scope of the Ontario Human Rights Code and the jurisdiction of the Human Rights Tribunal of Ontario.
- 09 I responded to Councillor Chiarelli, through his legal counsel, on October 3, 2019. I advised his legal counsel that I was of the opinion that the formal complaints before me at that time fell squarely within my jurisdiction as Integrity Commissioner and that the investigation would proceed.

- 10 That same day (October 3, 2019), Councillor Chiarelli released a public statement in which the Councillor wholly denied the allegations respecting his conduct that had been identified in public media reports and challenged my jurisdiction to investigate these matters (see Appendix A). In his public statement, the Councillor stated, “I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.” The Councillor further indicated he would be willing to respond to “any human rights complaint that any former employee, or candidate for employment, might see fit to file against [him],” and characterized the Formal Complaint Procedure as a “process that clearly restricts and prejudices [his] ability to defend [himself].”
- 11 On October 10, 2019, I received a second communication from Councillor Chiarelli’s legal counsel. I was advised of the Councillor’s intention to file a Judicial Review Application regarding my jurisdictional authority. I was further advised that, “Councillor Chiarelli will not be responding substantively to any complaint that has been filed with [my] office to date, or any similar and/or related complaint that might be filed, until a judicial decision on this extremely important jurisdictional issue has been rendered by the Ontario Divisional Court.” On October 18, 2019, through my counsel, I responded to Councillor Chiarelli’s position, set out a legal analysis of the jurisdiction issue, and confirmed my jurisdiction under the Code of Conduct.
- 12 The October 18, 2019 letter also advised the Respondent’s legal counsel of my intention to proceed with the investigation and offered another opportunity for the Respondent to confirm his willingness to participate by October 29, 2019. The Respondent was further advised that should he choose not to participate, the fact-finding process would conclude without his response and I would issue my reports to Council.
- 13 No response was received to the letter of October 18, 2019 from the Respondent or his legal counsel.
- 14 Having neither a reply to my legal counsel’s October 18, 2019 letter, nor received a notice of an application for judicial review from the Respondent’s legal counsel, I continued my investigation into all three complaints.
- 15 Despite his earlier confirmation that he would not participate, in my efforts to ensure a fair process, I instructed the Investigator to offer the Respondent an

opportunity to be interviewed. On December 10, 2019, a written request was sent to the Respondent to take part in an interview under oath, as provided for in s. 33 of the *Public Inquiries Act, 2009*.

- 16 Three days later, on December 13, 2019, the Respondent's legal counsel confirmed to my Office that the Respondent had been admitted to the Ottawa Heart Institute. He advised that the Respondent would undergo open heart surgery and would not be in a position to consider whether to participate in the investigations until his medical recovery had progressed to a stable and acceptable level (approximately 6-12 weeks later).
- 17 On January 29, 2020, I issued notice to City Council of my intent to report on an ongoing investigation. My interim report was released with the Council agenda on February 7, 2020, five calendar days in advance of the meeting as required by the Council Procedure By-law. The evening of February 11, 2020, the day before the Council meeting, the Respondent's legal counsel issued a letter to City Council and myself (see Appendix B) formally requesting that "all current proceedings and related investigations be stayed and/or terminated, on the basis of actual bias and/or Councillor Chiarelli's reasonable apprehension of bias." In that letter, the Respondent repeated his intention to move forward with a Judicial Review Application, but also indicated his intention to "exhaust any and all internal mechanisms, related to the City's internal policies and procedures, so that it cannot be later argued that a judicial review application was somehow premature."
- 18 In the subsequent weeks, through communications with his legal counsel, I sought to confirm the Respondent's intention to voluntarily participate in an interview as part of the inquiry. I was advised that due to the Respondent's medical condition, the Respondent was not able to confirm whether or not he would participate in an interview once he was medically cleared by his doctors. Without a definite commitment from the Respondent, I elected to issue a summons under Section 33(1)(3) of the *Public Inquiries Act* for the Respondent to attend an interview. The interview was scheduled for April 6, 2020, approximately 1.5 weeks following the Respondent's anticipated return to work, as outlined in the medical certificates provided by the Respondent's legal counsel.
- 19 I first sought the agreement of the Respondent's legal counsel to issue the summons to him, on behalf of his client, on February 28, 2020. I received no

response from the Respondent's legal counsel. Consequently, on March 4, 2020, I engaged the services of a process server to serve the summons on the Respondent at his home. The process server made four attempts to serve the Respondent. During the first three attempts, the process server observed individuals in the house who would not answer the door. On the fourth attempt (March 16, 2020), the process server arrived at the Respondent's home and viewed the Respondent sitting at a computer through a front window. As the process server walked up the driveway, he saw the Respondent get up from his chair and move towards the front door. When he knocked on the door, the process server could hear the door then lock. After knocking and ringing the bell, the process server saw the Respondent looking through the front window. The process server waved the envelope at the Respondent and informed him that he was serving a summons from the City of Ottawa. When the Respondent refused to answer the door, the process server placed the envelope at the door and deemed the personal service complete as the documents were brought to the Respondent's attention. The process server provided a sworn affidavit of the events.

- 20 In the days after the Respondent was served, the situation involving the COVID-19 pandemic evolved quickly. On March 17, 2020, Premier Ford declared a state of emergency in the Province of Ontario. Shortly thereafter, a wide range of measures and closures came into effect.
- 21 On March 20, 2020, in light of the measures associated with the COVID-19 pandemic, I advised the Respondent's legal counsel that his appearance scheduled for April 6, 2020, was postponed *sine die*.
- 22 On March 25, 2020, the Mayor of the City of Ottawa declared a state of emergency due to the COVID-19 health crisis. Then on March 28, 2020, the Province issued an emergency order prohibiting gatherings of more than five people. As it became clear the COVID-19 measures would be in place for some time, and in an effort to avoid undue delay to the inquiry, I decided the interview would have to proceed by way of a teleconference.
- 23 During this time, the Respondent appeared to resume some of his official duties. Specifically, the Respondent attended the City Council meeting of February 26 and participated in the Special City Council meetings of March 26 and April 8 (by teleconference). He also appeared to be resuming some of his constituency

duties and was active on social media (including a personal video message he posted on March 22).

- 24 No updates were offered by the Respondent or his legal counsel with respect to the Respondent's medical recovery. It continued to be my understanding that the Respondent's anticipated return to work date was March 24, 2020 (although it is clear he had already returned to some of his duties almost a month earlier).
- 25 On April 14, 2020, I advised the Respondent and his legal counsel that the interview was rescheduled to May 6, 2020 and would proceed as a teleconference. I requested confirmation of the Respondent's participation.
- 26 On April 17, 2020, I received a response from the Respondent's legal counsel and was advised that the Respondent had experienced another medical emergency on April 14, 2020. I was also provided with a medical certificate from the Respondent's reassessment on March 26, 2020 which stated the Respondent was to remain off work until June 29, 2020 (despite that advice, the Respondent participated in the April 8 Council meeting).
- 27 In addition to the update on the Respondent's medical situation, the Respondent's legal counsel argued that, in his opinion, the Respondent had not been properly served with any summons. Taking into consideration the efforts of the previous months, I responded to his legal counsel on April 24, 2020 and provided the Respondent with notice that the May 6, 2020 interview was cancelled and advised that no further requests for interviews would be made. If the interview had proceeded as planned and the Respondent had failed to attend as summonsed, I would have had the option to apply to a court, under the *Public Inquiries Act, 2009* to have Councillor Chiarelli held in contempt for his failure to comply with the summons. However, I determined that I would not pursue this course of action as the costs of such a Court application would be a further City expense. I am conscious of the fact that the investigation is funded ultimately by the taxpayers, and I do not intend to increase costs in an effort to compel the Respondent's participation.
- 28 I further informed the Respondent's legal counsel that in the absence of his participation, I intended to rely on the Respondent's public statements as his response to the allegations set out in the formal complaints and would proceed with making my findings and reporting to Council as appropriate.

- 29 On May 12, 2020, I received a response from the Respondent's legal counsel in which he asserted that the Respondent had in fact provided confirmation of his intention to participate in the investigation in past correspondence. I disagree. Neither the Respondent nor his legal counsel ever asserted such in any of the correspondence. The Respondent's legal counsel also stated that there is no obligation on counsel to accept service of a summons on a client's behalf. I was further advised that the Respondent's legal counsel had received instructions to move forward with an application for Judicial Review.
- 30 On May 12, 2020, I provided the Respondent with a final opportunity to provide his firm and unequivocal commitment to participate in the investigation when he is medically cleared to do so, by end of day on May 15, 2020. I received no response from the Respondent or his legal counsel.
- 31 At all times during the inquiry, and in accordance with the Complaint Protocol, the Councillor was afforded the opportunity to provide written responses, information, and documentation, to be interviewed on invitation and to represent his position in response to the allegations. Because of his refusal to respond to an invitation to participate, I issued a summons for his appearance to provide testimony under oath. He contested that the summons was properly served, although there is no doubt that it was brought to the Respondent's attention.
- 32 As a result, I have opted to file my report with Council relying on the Respondent's public statement of October 3, 2019, as his substantive response to the three complaints addressed herein (see Appendix A):

*"I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion."*

### ***Duty of Confidentiality***

- 33 The *Municipal Act, 2001* stipulates:

#### *Duty of confidentiality*

*223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

- 34 During the course of the investigation, both complainants and witnesses expressed fear and anxiety about participating in the inquiry. They were apprehensive that the Councillor could use his position, authority and his powerful contacts in the community to negatively impact their reputations or their current and future employment, in retaliation for their coming forward to testify.
- 35 I have not received any evidence of actual reprisals. While there are serious consequences for a respondent who retaliates against complainants and witnesses, in light of the expressed concerns and my duty of confidentiality, I have not disclosed the names of the complainants and witnesses in this report. However, because of the documentary evidence and summaries of oral testimony contained in this report, I have no doubt that the Respondent on reading this report can determine the identity of several individuals. Redactions in this report simply aim to protect the complainants and witnesses and should be viewed as such.

### ***Delegation of Investigative Powers***

- 36 The formal investigation into Complaint 1 began on September 17, 2019. Given the nature of the allegations, I sought out expertise in harassment investigations. After reviewing the profile of four companies and interviewing three of the said firms, I retained the company that in my view best fit the complex nature of these complaints. The seasoned investigator had specific experience in conducting harassment investigations.
- 37 The Investigator was delegated the responsibility for the investigation in accordance with s. 223.3 of the *Municipal Act, 2001*:

#### *Delegation*

*223.3 (3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.*

#### *Same*

*223.3 (4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.*

38 The Investigator was tasked with gathering evidence, conducting interviews under oath and providing a detailed analysis of the relevant facts as part of an investigative report.

39 The following excerpt from the investigative report describes the scope of the investigation:

“The investigation was conducted by interviewing complainants and witnesses under oath. In total 34 individuals have been interviewed by this inquiry, 26 of them providing sworn testimony which was recorded [the remaining eight individuals affirmed their statements to be true]. Among the 26 individuals were the five complainants; past, current and potential employees of the Respondent; individuals to whom the complainants had confided their experiences; City of Ottawa officials and employees. The investigation examined extensive email, Facebook messages, photographs and text messages provided by complainants and witnesses as well as in the case of [Complainant 1], recorded telephone calls with Councillor Chiarelli. The investigation reviewed an extensive “keyword” search of [documentation] and...cell phone records. City of Ottawa Human Resource department records were examined. The investigation also reviewed [relevant] public social media entries.”

40 The witnesses either (i) approached the Integrity Commissioner’s office directly or (ii) were identified by a complainant or another witness and the Investigator made contact with the potential witness. All of the witnesses participated voluntarily.

41 The majority of this intensive work was accomplished by December 10, 2019 in an effort to meet the 90/180 day target for reporting dates in the Complaint Protocol.

42 I sought to meet with the Respondent on numerous occasions. As detailed above, the Respondent never agreed to participate.

43 On February 4, 2020, the Investigator submitted a summary of her investigation performed to date, without the Respondent’s input, pending a decision on his participation.

- 44 Pursuant to my interim report to Council of May 27, 2020, I instructed the Investigator to submit her final investigation report, without an interview with the Respondent. I received her final report on June 18, 2020.
- 45 I reviewed the investigation report, along with the sworn testimony summaries, the recorded oral interviews, and the documentary evidence gathered by the Investigator. I have also carefully reviewed the Respondent's published October 3, 2019 statement in which the Councillor wholly denied the allegations respecting his conduct.
- 46 Based on this body of evidence, the analysis of the facts, the Investigator's report, and the Councillor's public statement of denial, I prepared my draft report to City Council with my own findings and recommendations.
- 47 While not required by the Complaint Protocol, on June 25, 2020, I provided the Respondent, through his legal counsel, with a copy of my draft report to City Council and invited him to comment on it. The Councillor was given a deadline of July 3, 2020. I did not receive a response from the Respondent or his legal counsel.
- 48 Pursuant to the Complaint Protocol, I filed my final report with the City Clerk on July 9, 2020.

## **BACKGROUND**

- 49 As part of her investigation, the Investigator interviewed each complainant, under oath or affirmation, and gathered documentary evidence relevant to the inquiry.
- 50 In addition, the Investigator interviewed various witnesses. All witnesses have affirmed or sworn an oath that their statements are true.

### ***Complaint 1***

- 51 On September 6, 2019, Complainant 1 filed her formal complaint, including a sworn affidavit. Complainant 1 provided sworn testimony to the Investigator on October 7, 2019.
- 52 In her report to me, the Investigator provided the following summary, in relevant part, of her interview with Complainant 1:
  - “[Complainant 1] was working for the federal government in early 2019 and was coming to the end of a 90-day contract so she was interested and

motivated towards getting work. [Complainant 1] has a background in journalism and public affairs. [Complainant 1] had a friend who was a bit of an activist, and well connected with people at the City of Ottawa. The friend told [her] she would get her resume to people at the City of Ottawa. [Complainant 1] sent her resume to her friend on the May 30, 2019.

- [Complainant 1]'s first response to her resume was an outreach email from the Respondent inquiring if she was still interested in a job. The Respondent described the job as being in communications, social media and events. [Complainant 1] stated that these were her areas of expertise and so they agreed over email to meet at the Bells Corners Starbucks at 12:30 pm on the following Sunday [June 23, 2019].
- The meeting was rescheduled to 1:00 pm after [Complainant 1] had already arrived. The Respondent had her resume with him, and he described the job in question as one that focussed on managing social media and also attending community events. They discussed the types of events she would have to attend.
- [Complainant 1] stated that the conversation then focused on events rather than other aspects of the job and the need to dress appropriately for these events. The Respondent talked about a woman who used to work for him who liked dressing up for events and he mentioned the "COMICON" event specifically. He described an employee dressing up as Tinkerbell. [Complainant 1] stated she said to him that if it was at Christmas and "you are working with kids why not." He showed [her] photos from his phone which [she] felt were "sexier" than they needed to be. [Complainant 1] stated that the Respondent then asked her "What wouldn't you wear?" [Complainant 1] asked what he meant and [she] said the Respondent asked, "well would you go bra-less?"
- [Complainant 1] stated she couldn't believe where the discussion had gotten only twenty minutes into the interview and that she felt very uncomfortable at this point.
- [Complainant 1] then described the Respondent talking about a former employee who knew how to dress for different events and gave an example of the employee attending a barbeque in the morning dressed as a cowgirl, then dressed appropriately for dinner, and then later in a "slutty" dress to attend a bar.
- The Respondent told [Complainant 1] again that she would have to know how to dress for each occasion and asked again if she would go bra-less.

The Respondent then showed her another photo of an employee in a red t-shirt with a white maple leaf which [Complainant 1] thought was taken on Canada Day where the individual was clearly and obviously not wearing a bra as the sides of her breasts were visible in the photo.

- [Complainant 1] said that she thought the Respondent now sensed her discomfort and alarm because she said he then explained the reason he had all those photos on his phone was because “they will do an audit” and he had to prove his staff were actually working.
- [Complainant 1] described the Respondent then explaining his practice of having his staff dressed attractively to go into bars to pretend to “hit on guys” to obtain their social media credentials so they could get those individuals to volunteer in support of his work. [Complainant 1] asked how that worked, and she said the Respondent claimed women had power to make men do anything. [Complainant 1] said the Respondent explained that if for instance [she] was dressed in a sexy outfit and alone in a bar then someone might approach her, and he could use that in his favour by either getting information or having the individual assist at volunteer duties such as pamphlet distribution. He relayed a story where he once had sent his staff to a town to ask some questions during the day and the people would all have the same story, but at night when the staff went into the bars dressed in a sexy way then the guys started talking about the real thing.
- [Complainant 1] was wearing a summer dress during the interview with the Respondent. He asked her which parts of her body she was comfortable showing. [Complainant 1] described the Respondent then looking her over from head to toe, saying she was okay with showing her arms and legs. [Complainant 1] said the Respondent then asked her which parts she would not show to which she believed she replied she would not show her belly.
- [Complainant 1] stated the interview lasted between 2 and 3 hours and focused on how women could get information from men based on their dress. [Complainant 1] again stated she couldn't believe she was experiencing this during the interview and thought perhaps it might have been a staged event and that someone was videoing the event as a joke.
- [Complainant 1] said there were many unusual aspects to the interview with the Respondent. She described him asking her what the worst thing was that she'd ever done and how he pressed her when she said she'd

done nothing really bad. He told her the answer wouldn't affect whether he hired her. He asked her about drug dealing. [Complainant 1] said that at no time in the interview were her qualifications discussed.

- Following the interview [Complainant 1] messaged her mother and brother to say what an unusual interview she'd had which she described as 'sexist'. [Complainant 1] said she did not mention being asked to go braless since her brother was in the discussion. [Complainant 1] said she messaged [her roommate] after the interview and told her what had happened.
- [Complainant 1] said she did tell the Respondent that she would not go braless and would not want to wear costumes. At a point after the interview, she knew she didn't want the job and she decided what had transpired at the interview was not right.
- [Complainant 1] said that she emailed the Respondent after the interview to thank him. [Complainant 1] said that the Respondent told her he was interviewing two other individuals for the position. [Complainant 1] told him that while she did not speak French, she was taking classes. He said he'd get back to her by July 04.
- On July 06, 2019 the Respondent called [Complainant 1] on the telephone...She continued to speak with him on the premise that she could obtain proof. [Complainant 1] thought she would then have more than her words. She wanted him held accountable and in that context, she was thinking "...I am going to get him." The Respondent said, "I'm calling to tell you, you got the job." [Complainant 1] then went on to describe to the Respondent some ambiguity around her current employment circumstance, in that her current employers were trying to get her extended in her job. She explained how it wasn't clear when she would know whether she would be able to stay on in her existing role. As they discussed possible time frames the Respondent references an upcoming New Year's Eve event saying "...we have at least three things you can wear that don't have any of the things you don't want to do..." (laughing) and "...you wouldn't be asked to wear anything that you don't want to wear."
- On July 08, 2019 [Complainant 1] informed the Respondent via telephone she was not in a position to accept the employment offer."

53 The Investigator spoke with two individuals who substantiated portions of the account of Complainant 1 (insofar as they recalled their interactions with Complainant 1 after the interview with the Respondent. Neither witness was present at the interview or the phone calls in which Complainant 1 spoke with the Respondent). The Investigator provided a synopsis of those witness interviews in her report to me.

54 The first individual was the Complainant's roommate, who described her conversation with Complainant 1 to the Investigator as follows:

“Right after the interview, [Complainant 1] texted her saying the interview was very weird. [The roommate] was out of town until the following day when [Complainant 1] provided her the details of her interview. [The roommate] said she learned from [Complainant 1] that the Respondent had not asked about her competencies at all, that the Respondent showed [Complainant 1] pictures and talked about former employees. [Complainant 1] told [the roommate] that the Respondent had asked how she would feel not wearing a bra. [The roommate] also found it weird that the interview was on a weekend in a coffee shop.”

55 Complainant 1 had described to the Investigator that she had posted an anonymous request on the social media platform Reddit seeking anyone who had ever interviewed or worked for the Respondent. Complainant 1 reported doing this on June 26, 2019, after her interview with the Respondent and before the Respondent called her to offer her the job. An anonymous individual replied to Complainant 1's Reddit post confirming she had worked for the Respondent.

56 The anonymous Reddit user (“the Reddit user”) independently came forward in this investigation. The individual provided sworn testimony to the investigation, as well as a copy of the June 26, 2019 Reddit exchange with Complainant 1 (see Appendix C).

57 The Reddit user explained her interaction with Complainant 1 to the Investigator as follows:

“On June 26, 2019, [the Reddit user] anonymously corresponded with the person [Complainant 1] who put up the original post on Reddit but deleted her open post shortly after as she did not want the Respondent to figure out it was her. [The Reddit user] advised the person against working for him if the person had any other options. [The Reddit user] told the woman that the

Respondent tended to hire very young girls with very little experience. [The Reddit user] messaged her because she was hoping she could prevent someone else from making the same mistake as [the Reddit user].”

- 58 Complainant 1 also provided two recorded phone calls with the Respondent that followed the interview. Transcripts of the recorded calls, prepared by my Office, are attached at Appendix D. Complainant 1 also provided telephone records confirming the date, time, incoming telephone number and length of call.

### **Complaint 2**

- 59 On October 3, 2019, Complainant 2 reached out to my office and provided a copy of a completed Request for a Formal Investigation, which she formally submitted on October 8, 2019 with a sworn affidavit. In her formal complaint, Complainant 2 described her motivation for coming forward:

*“Women are coming forward with similar experiences and Mr. Chiarelli is denying the allegations. Denying these allegations is unacceptable. He did this. And I am now compelled to file a formal complaint that Rick Chiarelli did this to me, too.”*

Complainant 2 provided sworn testimony to the Investigator on October 18, 2019.

- 60 The Investigator provided the following summary, in relevant part, of her interview with Complainant 2:
- “In 2014 [Complainant 2] was enrolled in her first year of the public relations program at [a local community college]. She described a charity event put on by the program to which City Councillors and media were invited. She was leading media relations within the program at that time and consequently got to meet everyone who came to the event.
  - [Complainant 2] stated that the fundraising kick-off event took place on March 25, 2014 and she met the Respondent then. She was interested in working in the media relations field and had discussions with the Respondent in that regard. She stated she was subsequently “friended” on Facebook by the Respondent and a few days later the Respondent messaged her saying “Hi, do you still want to meet on that matter you mentioned?” to which she replied “Hi Rick. Regarding potential employment? Yes, I would like that.” She says that the Respondent asked her to text him and they switched to text messages in order to arrange a

date and a place for an interview. The Respondent suggested they meet at MacLarens Pool Hall on Elgin Street and asked her to keep the meeting on the “DL” (down low) [confidential]. [Complainant 2] provided supporting Facebook messages [see Appendix E] about the contact which occurred on March 29, 2014, and she provided a photo of her and another woman posing with the Respondent for the photo at the charity event.

- [Complainant 2] did meet with the Respondent for 20 to 30 minutes in the afternoon of what she believed was April 10, 2014. [Complainant 2] stated in her material to [the Integrity Commissioner] that by the end of that month she was already working for another employer which was after her interview with the Respondent.
- [Complainant 2] described the interview as proceeding unremarkably for the first few minutes. [She] recalled the Respondent asking about her motivations and interests. She recalled expressing the hope of helping with any communications needs in the Respondent’s office and more specifically gaining some real “communications” experience beyond managing social media, but then she described the interview taking a sudden turn.
- [Complainant 2] said the Respondent described the kinds of duties and things she would be part of and how his team worked. He said that there was a lot of face to face engagement with the community and then segued into one of his team’s practices. [Complainant 2] said he described the work as recruiting younger audiences at night clubs and young men specifically. She said he told her that recruiting young men in nightclubs works best if you don’t wear a bra. [Complainant 2] said then “he flat-out asked me” whether she’d be willing to not wear a bra for that purpose. [Complainant 2] remembered feeling very uncomfortable and getting embarrassed but not wanting to make anything awkward, so [she] stated she kind of “played it off.” [Complainant 2] can’t recall precisely what she said in reply but thinks she may have asked a question about it and said something similar to “... if that’s what you need to do”. [Complainant 2] said the interview was a “big blur” except for that moment.
- [Complainant 2] stated she felt uncomfortable and awkward as a result of that aspect of the interview but said as odd as it now sounded, she didn’t want to make the situation uncomfortable for the Respondent.

- [Complainant 2] was struck by the matter-of-fact manner in which he asked her that question and how he made it seem like that's just what the people in his office did.
- [Complainant 2] knew that she did not want to work for the Respondent after this and neither recalls nor has any record of communicating any further with him.
- [Complainant 2] took a job in another field a week later. She told no one except her mother about the details of the interview.”

61 The Investigator spoke with the mother of Complainant 2, who Complainant 2 identified as someone she had spoken with about the incident shortly after her job interview. The Investigator provided a summary of the interview in her report, as follows:

“[Complainant 2] arrived home from her interview with the Respondent extremely upset. [Complainant 2] told [her mother] that the Respondent had asked her if she was okay not wearing a bra when she was working. [Complainant 2] and her mom were both shocked that something of that nature would be asked. [Complainant 2's mother] definitely recalled the bra comment and also thought he may have asked [Complainant 2] to wear miniskirts. After [Complainant 2's] interview in 2014 or 2015, [Complainant 2], [her mother] and her [father] were at a function where the Respondent was present with an extremely young girl who [Complainant 2's mother] described as looking like a “bimbo, a hooker”, wearing a mini skirt with blondish hair, not professional looking. [Complainant 2's mother] was extremely upset that someone would speak the way the Respondent did to her daughter. She didn't tell [Complainant 2] to do anything at the time, but [Complainant 2's mother] told people about what happened. When the allegations came out recently, she was very proud that [Complainant 2] stepped forward because the Respondent is denying it and is lying about it.”

### ***Complaint 3***

62 On September 22, 2019, Complainant 3 reached out to my office and indicated that she wished to submit a formal complaint respecting the conduct of Councillor Chiarelli. Complainant 3 completed a request for a formal investigation and swore the affidavit on October 8, 2019. In her formal complaint, Complainant 3 described her experience and expressed her reason for coming forward:

*“I will never support this behavior. I felt awful. I knew if he did this to me, he probably did this to others. And I’m sorry. I will stand by others who have been violated by Chiarelli as well.”*

On October 25, 2019, Complainant 3 was interviewed by the Investigator.

63 The Investigator provided the following summary, in relevant part, of her interview of Complainant 3:

- “[Complainant 3] had been in the Public Relations program at [the same local community college] in 2016 and knew of the Respondent through his attendance at various events at the college when she was there. [Complainant 3] stated she had not talked to him at those events nor had she given him her name or number.
- In 2018 the Respondent sent her a “friend request” on Facebook and then immediately reached out to her by Facebook messenger to inquire if she had “done much work in PR events yet?”. [Complainant 3] provided screenshots of the messaging between her and the Respondent (see Appendix F):

*[Respondent]: ... I am arranging things right now for the lead up to the election and then for the election campaign itself. And I have great respect for the [local community college] and [local university] programs. So, because I think ahead I often scoop up a bunch of names each year when I am out supporting their events, because I know in 2+ years they will graduate and if I happen to be looking at that time I can speak to some and see if they would ever consider it. I have recruited that way before and it worked out well for everyone involved.*

*[Complainant 3]: What are you looking for specifically?*

*[Respondent]: A couple of spots. It really depends on who is available and best combinations that flow from that. Are you in Ottawa these days? Downtown? East end? The South?*

*[Complainant 3]: I’m living downtown. Are you looking for a paid position or a volunteer position?*

*[Respondent]: Paid and a number of volunteers. But it is the paid ones that have to be the best combinations. FYI before my law degree, my*

*degree was in media and communications from Uottawa – which used to include PR.*

*[Complainant 3]: Yes, I would love to hear some more information about what you have available*

*[Respondent]: Well politics is nasty. And if you can handle the nastiness and succeed at it your stock rises everywhere else in PR...*

*(Agree to meet at College Square Starbucks)*

- [Complainant 3] stated that by this point in her life she had heard about Councillor Chiarelli and his practice of reaching out to people wanting to interview them in public places such as Starbucks. [Complainant 3] stated that she had also heard rumours about how he was “slimy”; how the things he would say would be a bit inappropriate; how he would ask people for pictures; and, how he would ask people to go to bars and strip clubs. [Complainant 3] said that the gossip was that if he reached out to you – not to do it – and indeed some of her friends had cautioned her not to meet him.
- [Complainant 3] stated that the messaging she experienced with the Respondent at first was very professional and appropriate, so she agreed to the meeting but then upon reflection and in consideration of the rumours she had heard she cancelled the meeting.
- [Complainant 3] said that two weeks later she changed her mind in consideration of the job opportunity and texted the Councillor apologizing for having cancelled the first meeting. They agreed to meet at the Starbucks in the Chapters store near the IKEA complex. [Complainant 3] said she was 21 years old at that time.
- [Complainant 3] described meeting the Respondent and the initial portion of the interview in which he described the job as being one that managed social media. [Complainant 3] stated that as she would inquire about the duties of the job, he would steer the conversation back to her. They discussed the PR program at [her school]. He asked about her hobbies. She said she had been a dancer and done ballet and jazz dance to which she stated he asked, “if you’ve been dancing so long would you ever consider being a stripper with your dance background?” [Complainant 3] was taken aback and did not answer. She stated that the Respondent went on to ask, “would you consider stripping, you have the body for it.”

- [Complainant 3] stated that her throat dropped immediately, and she turned red. She said two people who were sitting nearby looked over, having heard the comment. She stated she had dressed very conservatively for the meeting, so the Respondent had nothing to look at. [Complainant 3] stated she noticed that the Respondent was holding his phone sideways (leaning it on the counter) instead of up and down and kept looking at it as he spoke to her. She wondered if he was taking a picture or a video of her as they spoke.
- [Complainant 3] advised he produced a picture on his phone of a young attractive woman in a bikini who he described as one of his associates who would be soon working for him. [Complainant 3] says that the Respondent said to her as he showed her the picture “oh don’t be wearing this to work.”
- [Complainant 3] stated that she continually tried to steer the conversation back to the job when at the end of the interview the Respondent related what he claimed was a funny story that had happened at his home recently when his youngest daughter had said to him “hey Dad did you know today was world orgasm day?” [Complainant 3] said that the Respondent then asked her “So if it was yesterday, does that mean you participated in it?” To which [Complainant 3] says she replied “I’m gonna go, I have my car keys I feel really uncomfortable, I don’t want any job opportunity with you.” [Complainant 3] stated that the Respondent just sat there as she left. She found her friend in the store and they left. She said she was angry.
- In discussion with her friend, [Complainant 3] was upset and reflected about how everything she had heard was true. [Complainant 3] called her mother and told her. Her mother was supportive and recommended she report the matter to [the school authorities].”

64 The Investigator spoke with three individuals who had personal knowledge of portions of the account of Complainant 3 and provided a synopsis of those interviews in her report to me.

65 The Investigator interviewed the friend who drove Complainant 3 to the interview. The Investigator summarized the statements made by Complainant 3’s friend as follows:

“[Complainant 3’s friend] and [Complainant 3] were both in the PR Program at [the local community college] and met in 2017 (while at [a local university]). [Complainant 3’s friend] was a year ahead of [Complainant 3], graduating in 2015. The Respondent had a reputation within the College of saying things that were inappropriate or that made individuals uncomfortable. [Complainant 3’s friend] had never spoken to, had never met, and had never been approached by the Respondent but she did know of him. The Respondent attended events at [the local community college] PR Program as each year the Program hosts charity fundraisers and he was, on the year she was involved, the government representative to launch the campaign. [Complainant 3’s friend] had heard of people being approached for interviews with the Respondent but was unaware if he collected names at any of the charity events. [Complainant 3] had been offered an interview and initially cancelled but then reconsidered in the hopes of obtaining a job. [Complainant 3’s friend] could not recall the exact time in 2018, but said it was not too hot and not too cold so thought it might have been the fall, she wasn’t sure, but she drove [Complainant 3] to the interview in the early afternoon, at the Starbucks connected to the Chapters near Ikea. [Complainant 3] does not drive and [her friend] wanted to ensure she had an escape route if she needed to leave. [Complainant 3’s friend] provided her keys to [Complainant 3] so it would appear as though [Complainant 3] had her own car and a private place to go to if needed. [Complainant 3’s friend] walked around Chapters looking in every now and then over the 30 to 45 minutes [Complainant 3] was at the interview. She did not see anything untoward from afar and she could not hear the conversation. She did not notice the Respondent’s phone. When [Complainant 3] left the interview, she found [her friend] and they exited the Chapters. [Complainant 3] was upset and told [her friend] the interview was very different, it was not an interview, it was not a professional conversation but more of a personal conversation, the Respondent did not have a job position. [Complainant 3] told her the Respondent had asked about her extra-curricular activities and [Complainant 3] told him she had danced for a long time. [Complainant 3] told her the Respondent then made inappropriate comments about strippers, she could not remember the exact wording that [Complainant 3] had used. [Complainant 3’s friend] was asked if she recalled anything about World Orgasm Day. [Complainant 3’s friend] immediately said she did, it was brought up to [Complainant 3] and it was linked to the Respondent’s daughter somehow,

perhaps she was a supporter of it. [Complainant 3] was very uncomfortable with what had happened.”

- 66 The Investigator also interviewed the mother of Complainant 3. The summary of her statement is as follows:

“[Complainant 3’s mother] stated that she had been home with her daughter [Complainant 3] when the Respondent had reached out to her via Facebook for a possible interview. She stated that her daughter had expressed concern that the interview was to take place at a Starbucks but said that she was also excited to explore the job possibility. She stated that her daughter had called her right after the interview and described what had taken place. She said her daughter was infuriated, angry and shaken over the interview. Her daughter told her everything the Respondent had said to her during the meeting including the comments related to World Orgasm Day.”

- 67 The Investigator also interviewed the grandmother of Complainant 3, who she also spoke with about the interview. The summary of her statement, in relevant part, is as follows:

“[Complainant 3’s grandmother] first learned of the situation that took place during the interview between her granddaughter and the Respondent during a lunch outing she had with [her granddaughter], although [Complainant 3’s grandmother] could not recall the exact date. [Complainant 3] told [her grandmother] during her interview, the Respondent asked what her hobbies were, and [Complainant 3] had told him that she danced for many years. The Respondent then said to her, “you must be very flexible, have you ever tried stripping, have you ever been to a strip club and that.” [Complainant 3’s grandmother] said [her granddaughter] didn’t tell her about the “orgasm thing” as [Complainant 3’s grandmother] felt [she] would have been embarrassed to tell her that information. [Complainant 3’s grandmother] said [her granddaughter] also told her that at the interview, the Respondent had his phone on the table and held it up like he was recording [her] which upset [Complainant 3]. [Complainant 3] told [her grandmother], at the end of the interview, she stood up because she realized this was going all wrong and told the Respondent the job was not what she was looking for, so she ended the interview and walked away.”

## ANALYSIS

68 With respect to the allegations made by Complainant 1, the Investigator reported as follows:

“[Complainant 1]’s three allegations relate to a job interview in 2019 where:

- 1) The Respondent questioned her tolerance and limits for wearing revealing or provocative clothing for work including whether she was willing to dress without a bra. **The investigation finds this allegation to be established.**
- 2) The Respondent showed her inappropriate photographs, on his phone, of former staff in his office wearing unprofessional clothing, including a photo of a young woman wearing a low-cut t-shirt who was not wearing a bra. **The investigation finds this allegation to be established.**
- 3) The Respondent explained to her how attractive women are important to gather information and attract volunteers for his office by getting men to hit on them. **The investigation finds this allegation to be established.”**

69 With respect to the allegations made by Complainant 2, the Investigator reported as follows:

“[Complainant 2]’s allegations relate to a job interview with the Respondent in 2014 where:

- 1) The Respondent told her that the best way to get a younger audience interested in politics and to recruit them for his campaign was by recruiting young men at nightclubs, which he said works best if you are not wearing a bra. **The investigation finds this allegation to be established.**
- 2) The Respondent asked her if she was willing to not wear a bra at nightclubs to recruit men. **The investigation finds this allegation to be established.”**

70 With respect to the allegations made by Complainant 3, the Investigator reported as follows:

“[Complainant 3]’s allegations relate to a job interview with the Respondent in 2018 where:

- 1) The Respondent said to her “you must be flexible if you have done so much dancing” and asked if she would “consider stripping” saying “you have the body for it”. **The investigation finds this allegation to be established.**
- 2) The Respondent asked her if she had participated in “World Orgasm Day”. **The investigation finds this allegation to be established.”**

71 In summarizing the testimony and evidence relating to the three complaints, the Investigator provided the following observations, in relevant part:

“Each of these 3 complainants were women seeking, in good faith, to advance their professional lives by hoping to secure what to them would be a valuable and rewarding job experience in support of what ought to have been honourable work for the community of Ottawa.

...

The evidence suggests not only that the Respondent ought to have known that his conduct was unwelcomed but that he did know. [Complainant 1] stated that at one point in the interview the Respondent recognized her discomfort and suspicion as he showed her photographs of scantily dressed employees. She stated that he then explained to her that he had the photos on his phone for “audit” purposes in order to demonstrate his employees actually were working.”

### ***The Respondent’s response to the three complaints***

- 72 As outlined earlier, the Respondent, through his legal counsel, has refused to respond in writing to the three complaints as required by the Complaint Protocol; he refused to schedule an interview to testify in the investigation; he deliberately sought to avoid service of a summons to appear before me to be examined under oath under the *Ontario Public Inquiries Act, 2009*; and he did not respond to an invitation to provide comments on the draft report.
- 73 The Respondent was given ample opportunity to reply in writing to each of the three complaints. He declined to do so.
- 74 It was his choice to not participate and leave the body of evidence against him unchallenged during the investigation. While he did not respond to the allegations in the course of the investigation, he did make a public statement in the media.

75 On October 3, 2019, the Respondent issued a public statement stating, in relevant part:

*“I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.”*

76 That is the only pertinent statement made by the Respondent in response to the complaints. It is a blanket denial. Consequently, in the absence of any other reply or input from the Respondent, I have taken that published statement as the deemed substantive, and comprehensive response to the complaints filed against the Respondent and have considered that denial in formulating my findings.

77 In the same public statement issued by the Respondent, he claimed that these complaints are part of an organized political conspiracy because of his seeking information about the LRT procurement programme. Specifically, he stated the following:

*“People should know that I formally retained legal counsel in July of this year, after learning that I was being targeted over my attempts to bring greater transparency to the LRT procurement process. I had no idea, at the time, of the direction that these political attacks might take. Then, we were made aware of one of my political adversaries attempting to persuade a number of women to join an organized group to speak negatively about me.”*

78 Having reviewed the testimony and the evidence, I have concluded that there is no credible basis for such a conspiracy theory. There is no evidence of an organized political movement. The three complainants did not know each other and there is no evidence of any collusion. The stated reasons in their testimony for coming forward are that the complainants feel a sense of victimization and a responsibility to prevent this from happening to other women. All three complainants are believable (as detailed below).

79 The witnesses mentioned above are also very convincing. While none of the corroborating witnesses interviewed by the Investigator were present during the complainants' job interviews, they all interacted with the complainants immediately or shortly after the interview. Their evidence helps to confirm that the interviews did take place and that there was no issue of them recently fabricating a story after hearing about allegations in the media.

80 During the course of the inquiry, the Respondent faced some significant health challenges. On December 13, 2019, the Respondent underwent open heart surgery. Due to an infection, the Respondent was readmitted to hospital in mid-January. I was advised by his legal counsel that the Respondent was to remain off work until March 24/25, 2020 at which time he was set to be reassessed by his physicians. During subsequent communications with his legal counsel, I was provided with an additional medical certificate on April 17, 2020, in which the Respondent's physician recommended he remain off work until June 29, 2020.

## **FINDINGS**

81 While those who did participate in this inquiry may find it unsatisfactory and unjust for it to conclude without the Respondent participating, there is precedent for municipal Integrity Commissioners to report findings and make recommendations when respondents chose not to participate in investigations ([Toronto Parking Authority and Emery Village BIA \(Re\), 2019 ONMIC 12 \(CanLII\)](#); [Ford \(Re\), 2016 ONMIC 11 \(CanLII\)](#)).

82 Consequently, based on the Investigator's report, the transcripts of complainant and witness interviews, and the documentary evidence as well as the public denials of the Respondent over the course of the inquiry, I have prepared my findings as Integrity Commissioner with respect to the allegations against Councillor Chiarelli.

83 I determined that the Investigator's summaries of the complainants' interviews and the witnesses' interviews contained all of the relevant information. As a result, I have not added to the factual review here.

### ***Standard of Proof: Balance of Probabilities***

84 In making findings of fact, Integrity Commissioners in the Province of Ontario adhere to the standard of proof for fact-finders in civil cases known as the 'Balance of Probabilities'. That standard is clearly explained in *F.H. v. McDougall*, [2008 SCC 53 \(CanLII\)](#), [2008] 3 SCR 41, 61; 2008 SCC 53 (SCC),

"In civil cases in which there is conflicting testimony, the judge must decide whether a fact occurred on a balance of probabilities, and provided the judge has not ignored evidence, finding the evidence of one party credible may well be conclusive of the result on an important issue because that evidence is inconsistent with that of the other party. In such cases, believing one party will

mean explicitly or implicitly that the other party was not believed on an important issue. That may be especially true where a plaintiff makes allegations that are altogether denied by the defendant...”

- 85 The balance of probabilities standard of proof requires a finding that it is more likely than not that an alleged event has occurred and requires that this finding is based on evidence that is clear, convincing and cogent.<sup>1</sup>
- 86 The criminal standard of “proof beyond a reasonable doubt” does not apply.
- 87 However, the findings in this report are not solely based on the testimony of the complainants. This is not simply a “he said, she said” situation. The findings take into consideration the corroborating testimony of witnesses and the documentary evidence provided by the complainants. Each of the three complainants identified at least one witness who was contacted by the Investigator. Each of the three complainants provided documentary evidence (Facebook messages, Reddit thread) which was consistent with their testimony.
- 88 Without the Respondent’s written response or testimony, I have before me his public and categorical denial versus the sworn testimony and supporting documentation provided by the complainants and corroborating witnesses.

### ***Each Allegation Must be Proved Separately***

- 89 I recognize that although there are allegations regarding multiple interviewees, I must consider the allegations with respect to each Complainant separately, based on the facts related to the Respondent’s interactions with that particular interviewee. I must not and have not engaged in propensity reasoning. Even if the burden of proof with respect to the allegation of one complainant is satisfied, I must not and have not inferred that the Respondent is the kind of person who would commit the other alleged acts. I must ensure that each allegation is proved separately.

### ***Witnesses***

- 90 All of the interviews happened one-on-one, such that only the Respondent and the complainant were present (except to the extent that the interviews were in

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<sup>1</sup> F.H. v. McDougall, [2008 SCC 53](#) at paragraphs 49 and 46.

public places and may have been overheard by others. However, no witnesses came forward who had overheard the interviews). The evidence of the witnesses about the conversations between the Respondent and the complainants is hearsay, and I do not rely on it to corroborate the exchange of words or sharing of photographs. Rather, the witnesses' testimony was important for me when I considered whether there was evidence of recent fabrication or collusion between the complainants. As set out below, I find no evidence of recent fabrication or collusion.

### ***Credibility and Reliability***

- 91 Credibility and reliability are fundamental principles when evaluating testimony. "Credibility refers to the witness's sincerity and willingness to speak the truth as he or she believes the truth to be. Reliability relates to the witness's ability to accurately observe, recall and recount the events at issue."<sup>2</sup> I appreciate that "an honest witness can still be mistaken and, consequently, his or her evidence while sincerely given, may be unreliable."<sup>3</sup>
- 92 In assessing credibility and reliability, I looked at the totality of the evidence and considered whether there were any inconsistencies (and if so, the impact of those inconsistencies). I did not find any inconsistencies of a material nature which would demonstrate carelessness with the truth.
- 93 I find that each complainant was credible, honest, and open. Each complainant had good memories of the incidents and none of them appeared to have an interest in the outcome (other than a desire to hold the Respondent to account). Each of the complainants gave consistent testimony. I also find that their evidence was reliable.
- 94 I also find the witnesses to be credible. Their testimony was valuable in assessing the issues of recent fabrication and collusion. There were no material inconsistencies with the complainants' testimony or documentary evidence.
- 95 I see no reason the complainants or the witnesses would lie or make false statements, and certainly all affirmed their statement was true.

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<sup>2</sup> *Ontario (College of Physicians and Surgeons of Ontario) v. Phipps*, 2018 ONCPSD 48

<sup>3</sup> *Ibid*

### **Complainant 1**

- 96 In addition to her sworn affidavit and testimony, Complainant 1 provided messages between herself, her mother and her brother and recordings of telephone calls with the Respondent (supported by telephone records confirming the date, time, incoming telephone number and length of call). Parts of Complainant 1's detailed testimony were corroborated by her roommate, who was also interviewed, and by another witness who she corresponded with anonymously over the social media platform Reddit.
- 97 Complainant 1 was clearly disturbed by the experience of interviewing with the Respondent. She recorded a subsequent telephone call with the Respondent and explained that the purpose was to try to provide some evidence of the misconduct. In the recording, the Respondent states, in reference to the New Year's Eve event, that "we have at least three things you can wear that don't have any of the things you don't want to do in them. So that's good, you wouldn't be asked to wear anything you don't want to wear." I conclude that this statement was made in reference to Complainant 1 and the Respondent's earlier conversation at the interview in which the Respondent asked Complainant 1 which parts of her body she was comfortable showing.

### **Complainant 2**

- 98 Complainant 2 provided Facebook messages between herself and the Councillor making arrangements for the interview as well as messages between herself and a friend confirming she was scheduled to interview with the Councillor and that he had implied she should keep the interview confidential.
- 99 Complainant 2's mother was also interviewed. She confirmed that her daughter shared her experiences on the day of the interview. I relied on her evidence to corroborate the timing of the interview and to confirm that there was no issue of recent fabrication or collusion between the complainants.

### **Complainant 3**

- 100 In addition to her sworn affidavit and interview, Complainant 3 provided Facebook messages between herself and the Respondent making arrangements for the interview.
- 101 Three witnesses were interviewed in respect of Complainant 3: the friend who drove Complainant 3 to the interview, Complainant 3's mother, and Complainant

3's grandmother. Complainant 3 shared some of the details of her interview with the Respondent with each of them. I find that their testimony confirms that the interview took place when Complainant 3 suggested and that there are no issues of recent fabrication or collusion with the other complainants.

102 There was one detail in Complainant 3's story which at first seemed inconsistent, specifically that Complainant 3 had been driven to the interview by her friend because she had no car but then reported that she ended the interview by saying "I have my car keys" before leaving. However, in her interview, Complainant 3's friend explained that she had provided her car keys to Complainant 3 to make it appear to the Respondent as though Complainant 3 had her own car. As a result, I concluded that this was not an inconsistency in Complainant 3's story.

103 Having carefully reviewed the audio recordings, transcripts, and other corroborating evidence, I concluded that the complainants and witnesses were credible and reliable.

#### **Section 4 of the Code of Conduct**

104 The first element of Section 4 that is pertinent is:

*(4.1) Members of Council are committed to performing their functions with integrity, accountability and transparency.*

105 The Merriam-Webster dictionary defines "integrity" as follows:

*"firm adherence to a code of especially moral or artistic values."<sup>4</sup>*

106 The second element of Section 4 that is pertinent is:

*(4.4) Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.*

107 I have concluded on a balance of probabilities, 1) that the conduct of the Respondent in interviewing and seeking to recruit all three complainants for employment did not serve the interest of his constituents nor was he acting in a

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<sup>4</sup> "Integrity." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/integrity> (19 June 2020).

conscientious and diligent manner; 2) that in the interviews with Complainants 1 and 2, he was planning to objectify these two women by using their sexuality for the purpose of recruiting male volunteers and assist in his re-election efforts.

108 None of this serves the public good. None of this meets the definition of the word “integrity”.

109 Therefore, I find that the allegations are founded and find **that the Respondent has breached Sections (4.1) and (4.4) of the Code of Conduct in respect of each of the three complainants.**

### **Section 7 of the Code of Conduct**

110 The Code of Conduct for Members of Council states:

*“7. All members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies and, where applicable, the City’s Violence and Harassment in the Workplace Policy.”*

111 The Ontario Human Rights Code (“OHRC”) s. 10 (1) defines harassment as:

*“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;*

112 The City of Ottawa’s *Violence and Harassment in the Workplace Policy* defines harassment as:

*“as an incident or course of conduct of behaviour, gestures or comments that is:*

- a) vexatious*
- b) unwelcome or ought known to be unwelcome.”*

113 The Policy also includes examples of the types of behaviour defined as harassment, including:

- a) unwelcome remarks, jokes, innuendoes about a person's body, mannerisms, attire, sex, race, ethnicity or religion, sexual orientation or disability;*
- b) leering (lewd staring) or other explicit sexual gestures;*

- c) unwelcome physical contact such as touching, kissing, patting or pinching;
- d) unwelcome sexual flirtation, advance or proposition with promise of reward for complying;
- e) refusing to work or co-operate with a worker because of his/her ethnic, racial or religious background;
- f) persistent unwanted contact or attention after the end of a consenting relationship;
- g) behaviour that undermines or sabotages the worker's job performance;  
and
- h) behaviour that threatens the livelihood of the worker.

114 Section 1(1) of the *Occupational Health and Safety Act* lists the following definitions:

*“workplace harassment” means,*

*(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or*

*(b) workplace sexual harassment; (“harcèlement au travail”)*

*“workplace sexual harassment” means,*

*(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome ...”*

115 The Council Staff Relations Policy states:

*“The City of Ottawa will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation, guided by the Code of Conduct for Members of Council, the Employee Code of the Conduct, the Violence in the Workplace Policy, the Harassment in the Workplace Policy and the Procedure By-law.”*

- 116 While harassment often refers to a course of conduct against a specific individual, it also encompasses a single incident as set out in the City of Ottawa's *Violence and Harassment in the Workplace Policy*. I have evaluated each case on its own merits and thus reach no conclusion about whether the Respondent has engaged in a course of vexatious comment against an individual. However, I do conclude that these are incidents of harassment that fall squarely within the definitions set out in the above City policy.
- 117 First in their formal complaints and again in their sworn testimony, all three complainants allege that, during a job interview, the Respondent made comments, shared stories, showed pictures or asked questions that were inappropriate and sexual in nature. Specifically, Complainant 1 alleges that the Respondent asked her what parts of her body she would be comfortable showing and directly asked her if she was willing to go bra-less. She was told stories of former employees who dressed provocatively to use their sexuality to attract volunteers for the Respondent. Complainant 2 alleges that the Respondent asked her if she was willing to go bra-less and told her going bra-less would work best to recruit young, male volunteers. Complainant 3 alleges that the Respondent commented on her body, asked her if she would consider stripping, and asked her if she participated in 'World Orgasm Day'.
- 118 The sexual nature of the comments, stories and questions focused on women's bodies (both the complainants' and former staffers' bodies) and how the women could use their sexuality to benefit the Respondent (i.e. signing up volunteers).
- 119 In his public statement, the Respondent firmly stated that he has "never treated a member of [his] staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion." In the face of the detailed, credible testimony of the three complainants along with the corroborating evidence, this bald denial is not credible.
- 120 It is not necessary for a complainant to make it known to the Respondent that these types of comments or behaviour are unwelcome; the Respondent ought to have known that fact, especially where the Respondent held a position of authority or influence in respect of his interactions with the complainants.
- 121 All three job candidates state that the Respondent's comments and questions made them uncomfortable, embarrassed and troubled. The complainants met with the Respondent on the understanding they were interviewing for a position

in the Respondent's office. The Respondent exploited the power dynamic of the situation, in which the Respondent held out the possibility of employment, to sexualize the discussion and questions in a manner that was upsetting and unacceptable.

122 Though only one complainant recalls telling the Respondent that she was uncomfortable with his comments and questions, the Respondent ought to have known that his comments and questions were inappropriate and unwanted. All three complainants were shocked and taken aback by the Respondent's comments and questions.

123 Section 7 of the Code of Conduct imposes on Members of Council the duty to treat members of the public with respect which means to be treated with "high or special regard"<sup>5</sup>. I also conclude that these incidents described above constitute a failure by the Respondent to treat the complainants with the respect they were due and required of him by the Code.

124 I am not competent to nor am I asked to evaluate the possible psychological harm to these female complainants, but I can say without hesitation that such a comportment by an elected public office holder deeply harms the public interest and seriously damages the trust covenant with the citizens who elect them.

125 On Section 7, I conclude that the allegations are founded. I find on a balance of probabilities that the Respondent did make comments to and ask questions of the complainants that were sexual in nature or focused on women's bodies.

126 In summary, based on the principles stated in *F.H. v. McDougall*, 2008 SCC 53, I find that the complainants' evidence is credible, and I consider that the public denial published by the Respondent is simply not credible. I find **that the Respondent has breached Section 7 of the Code of Conduct.**

## RECOMMENDATIONS

127 As provided for in both s. 223.4(5) of *Municipal Act, 2001* and Section 15 the Code of Conduct for Members of Council, I may make recommendations to City

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<sup>5</sup> "Respect." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/respect> (22 June 2020).

Council with respect to sanctions and other corrective actions when I am of the opinion that a contravention of the Code of Conduct has occurred.

128 Section 15 of the Code of Conduct reads as follows:

1. *Members of Council are expected to adhere to the provisions of the Code of Conduct. The Municipal Act, 2001 authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:*
  1. *A reprimand; and*
  2. *Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.*
2. *The Integrity Commissioner may also recommend that Council impose one of the following sanctions:*
  1. *Written or verbal public apology;*
  2. *Return of property or reimbursement of its value or of monies spent;*
  3. *Removal from membership of a committee; and*
  4. *Removal as chair of a committee.*
3. *The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.*

129 As Integrity Commissioner, it is my responsibility to recommend sanctions when findings, following proper investigation, determine that provisions of the Code of Conduct have been breached.

130 The most serious sanction is the suspension of up to 90 days of the Councillor's remuneration. This sanction should normally be used in a progressive way, such as 30/60/90 days, depending on the experience of the Councillor, how flagrant the behaviour and whether acknowledgment of misbehaviour, remorse or regret are expressed. Suspensions of pay should be reserved for the most egregious violations of Code of Conduct. It should also only apply when there are no

acceptable avenues for reparation or no mitigating circumstances that could in part explain the offending behaviour.

131 The three complaints are similar in nature and were grouped for purposes of this report. However each complaint stands alone when making a finding and in considering an appropriate sanction recommendation.

132 Having considered the above mentioned principles, because the Councillor is the longest serving elected public office holder on Council and that this offensive and disreputable behaviour has been going on for a very long time, I have decided that the most severe of sanctions are warranted in this case.

133 Therefore, I recommend that City Council:

1. Receive this report, including the finding that Councillor Chiarelli has contravened Sections 4 and 7 of the Code of Conduct; and
2. Consecutively impose the following sanctions for each individual contravention of the Code of Conduct commencing on adoption of this report:

**Complaint #1** – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days;

**Complaint #2** – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days; and

**Complaint #3** – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days.

134 It should be noted that pursuant to s. 5(2.1) of the *Municipal Conflict of Interest Act*, the Respondent will have an opportunity to respond to this report by participating in the debate when Council considers my recommendations:

*(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under [subsection 223.4 \(5\) or \(6\) of the Municipal Act, 2001](#) or under [subsection 160 \(5\) or \(6\) of the City of Toronto Act, 2006](#):*

1. *Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting*

*on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.*

135 This report is made pursuant to Part II, Section 11 of the Complaint Protocol.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Marleau". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Robert Marleau, C.M.  
Integrity Commissioner

## **Appendix A**

**For Immediate Release Oct. 3, 2019**

(Ottawa)

### **Statement by Councillor Chiarelli**

In recent days, I have received repeated requests (often seeming more like demands) for some comment in relation to the mainly anonymous allegations against me that have surfaced in multiple media reports over the last number of days.

Unfortunately, my ability to respond to these allegations in a more timely fashion has been affected by ongoing and serious medical challenges. There has been some troubling suggestion that my recent request for approved medical leave is disingenuous and/or opportunistic, and related to some reluctance or inability, on my part, to address these allegations, but I can confirm, in the clearest of terms, that I have been dealing with serious, well-documented and objectively verifiable health issues since the middle of August. Also, I have been restricted in speaking because of the expectation of confidentiality that is part of the complaint process.

Notwithstanding this indisputable reality, this situation has reached a level of seriousness, and has adopted what I can only describe as an apparent “mob-mentality” approach to the inaccurate characterization of past events, where I need to write this to step forward and defend my good name, reputation, and three decades of public service, irrespective of any potential adverse health consequences. I feel that I owe this to my loyal constituents. More importantly, I owe this to my loving wife, and to my three wonderful, accomplished daughters. Their love and support is what keeps me going at this difficult time.

I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.

People should know that I formally retained legal counsel in July of this year, after learning that I was being targeted over my attempts to bring greater transparency to the LRT procurement process. I had no idea, at the time, of the direction that these political attacks might take. Then, we were made aware of one of my political adversaries attempting to persuade a number of women to join an organized group to speak negatively about me. Those spoken to definitely included some who have made public complaints in the media.

There has been much discussion, in recent media reports, about the multiple

anonymous complaints that have purportedly been filed against me with the City's Integrity Commissioner. Lurid details of these complaints have been openly reported in the media -- with a degree of coordination and timing that is typically seen from seasoned political advisors and/or public relations professionals -- despite clear and formal confidentiality requirements associated with the Integrity Commissioner's formal complaint process. I have respected these confidentiality requirements, the other side (still officially anonymous) has not.

It is important to stress, however, that allegations related to workplace gender discrimination or workplace sexual harassment **are not matters that are properly placed before the City's Integrity Commissioner.**

(See below for relevant portions of the City's Code of Conduct.)

I have been advised, by experienced legal counsel, that the vast majority of the allegations that have been raised against me are properly and thoroughly covered by the protections and processes set out in the Ontario Human Rights Code.

As specifically stated by my lawyer several weeks ago, when these allegations first surfaced, **I am fully prepared to respond to any human rights complaint that any former employee, or candidate for employment, might see fit to file against me.**

Of course, the process associated with any such complaint provides me with basic procedural rights that are in keeping with what any person facing such allegations would reasonably expect in this country:

- I would be entitled to know the identity of my accuser.
- I would be entitled to know the full particulars of the allegations that were being raised against me.
- I would be entitled to an adjudicative process where sworn evidence was required, and where my lawyer could test the veracity of any such evidence through cross-examination.

I suspect that most people in this country would feel strongly about being afforded these basic rights if they were accused.

Given the clear language of the Code of Conduct, it is very difficult to understand the concerted and coordinated push to have these matters determined by a process that is secretive and virtually untested, by an official who, while an expert in many areas,

clearly does not possess the specialized human rights expertise possessed by members of the Human Rights Tribunal of Ontario.

Yet, certain of my Council colleagues continue to actively and publicly promote the Integrity Commissioner as the most appropriate person to rule on these disturbing allegations, through the utilization of a process that clearly restricts and prejudices my ability to defend myself.

It appears that we have reached a point where today all that is needed is a series of copy-cat scandalous allegations to cause a politically-correct rush to judgement, and the decimation of a 30-year political career, without any critical testing of evidence. It appears that many of my colleagues and peers place short-term political popularity ahead of the presumption of innocence.

**While this may be Rick Chiarelli's problem today, please don't fool yourselves into believing that my stated issues and concerns don't have much broader application and significance. The same script could be weaponized to attack anyone, at any time, with the same ruthless speed and efficiency. The next time, it might be another member of Council. Or it might be your son, or your brother, or your father, or your husband . . . tomorrow, or next month, or next year . . .**

I am a respectful, committed and hard-working member of this community. I am, and have always been, fully prepared to defend myself against each and every one of these disturbing allegations that I said inappropriate things in job interviews or at work.

All I ask is for some accommodation of my current medical condition, and for a fair and appropriate process of adjudication.

Relevant portions of the City's Code of Conduct read as follows:

#### **Complaints Outside Integrity Commissioner Jurisdiction**

5. If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct **or the complaint is covered by other legislation** or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

#### **Criminal Matter**

(a) If the complaint on its face is an allegation of a criminal nature consistent

with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

### ***Municipal Freedom of Information and Protection of Privacy Act***

- (b) If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy review.

### **Other Policy Applies**

- (c) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

### **Lack of Jurisdiction**

- (d) If the complaint is, **for any other reason not within the jurisdiction of the Integrity Commissioner**, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.



labour and employment lawyers

February 11, 2020

**By Electronic Mail**

Ottawa City Council  
c/o David G. White, City Solicitor  
City of Ottawa (City Hall)  
110 Laurier Ave. West  
Ottawa ON K1P 1J1

Robert Marleau, C.M.  
Office of the Integrity Commissioner  
110 Laurier Avenue West  
Ottawa, ON K1P 1J1

Dear City Councillors and Integrity Commissioner:

**Re: Councillor Rick Chiarelli**

I confirm that we are the solicitors for Councillor Rick Chiarelli, and that we have been providing advice and representation to Councillor Chiarelli since late July, 2019, in connection with various complaints and allegations that are currently being formally investigated by the Integrity Commissioner, and independent workplace investigator Audrey Lizotte.

We are writing, at this time, to raise a preliminary procedural issue with respect to all of current complaints and related allegations, and to the ongoing investigative processes related to those complaints and allegations.

In simple terms, it is our client's position that, over the last four months or thereabouts, there has been an overwhelming demonstration of patent and palpable bias, by Mayor Jim Watson and other members of Ottawa City Council ("Council"), which has completely undermined our client's legal rights, the integrity of the City's policies and procedures, and the confidence of most right-minded members of the public.

With this letter, we are formally requesting that all current proceedings and related investigations be stayed and/or terminated, on the basis of actual bias and/or Councillor Chiarelli's reasonable apprehension of bias.

We have previously confirmed our client's intention to move forward with a Judicial Review Application before the Divisional Court of the Ontario Superior Court of Justice. If necessary, Councillor Chiarelli remains prepared to move forward with such formal legal action.

Before doing so, however, our client wants to exhaust any and all internal mechanisms, related to the City's internal policies and procedures, so that it cannot be later argued that a judicial review application was somehow premature.

### **Council is the Ultimate Adjudicative Body**

Please note that we are directing this motion to both Council and the Integrity Commissioner ("the IC").

While much focus has been placed on the IC's investigative mandate, and his related public profile, it is apparent that both the IC and Council play important roles, as statutory decision makers, in relation to the formal adjudication and/or determination of the complaints that have been filed against Councillor Chiarelli.

In fact, the provisions of *By-law 2018-400 – Code of Conduct for Members of Council* ("the Code of Conduct") clearly demonstrates that Council is the ultimate statutory decision maker in relation to the subject allegations and complaints. While the IC has certain statutory investigative powers, his statutory decision-making power extends only to reporting to Council, with an outline of his investigative findings, and any **recommended** corrective action.

The interplay between the IC's statutory powers, and a municipal council's statutory decision-making authority, was succinctly summarized by the Ontario Divisional Court in *Di Biase v. City of Vaughan; Integrity Commissioner of the City of Vaughan*, 2016 ONSC 5620 (CanLII):

- [18] Following an investigation, the Integrity Commissioner "reports to the municipality... his or her opinion about whether a member of Council has contravened the applicable code of conduct..." (*Municipal Act*, s. 223.6(2)).
- [19] In a report on conduct following an investigation the Commissioner "may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report" (*Municipal Act*, s.223.6 (2)).
- [20] Section 223.4(5) of the *Municipal Act* provides that if the Integrity Commissioner reports to the municipality that in his or her opinion the member has contravened the Code of Conduct, then the council of the municipality, if it accepts the report, may impose either of the following penalties:
- a reprimand; or
  - a suspension of the remuneration paid to the member in respect of his or her services as a member of council ...for a period of up to 90 days.
- [21] The municipality must make public the Integrity Commissioner's reports (*Municipal Act*, s. 223.6(3)).

Again, it is submitted that this passage demonstrates that Council is the ultimate adjudicator, and ultimate statutory decision maker, in relation to the Code of Conduct complaints and allegations that have been raised against Councillor Chiarelli.

## Statutory Decision Makers Cannot Be Biased

The common law duty of fairness has been described as follows:<sup>1</sup>

“Public confidence in our legal system is rooted in the fundamental belief that those who adjudicate in law must always do so without bias or prejudice and must be perceived to do so. The common law duty of fairness obliges a tribunal hearing a matter to perform its functions free from bias, or reasonable apprehension of bias.

In principle, the standard is objective. The question is not whether there is evidence of actual bias but whether a reasonable person would perceive bias: “the apprehension of bias must be a reasonable one held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information.” (author quotes from the Supreme Court of Canada decision in *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, at 394-395

## Mayor Watson and Council Have Demonstrated Patent and Palpable Bias

It is submitted that there has been a sustained and unsettling demonstration of bias, pre-determination, close-mindedness and/or political opportunism, by Mayor Watson and other members of Council, in relation to the Code of Conduct complaints, and related allegations, raised against Councillor Chiarelli, that would cause most reasonable persons to perceive bias, and conclude, on an objective basis, that Council cannot possibly adjudicate any of these allegations – AND IT IS IMPORTANT TO REMEMBER THAT THEY REMAIN NOTHING MORE THAN UNPROVEN ALLEGATIONS AT THIS POINT – without bias or prejudice.

The demonstrations of patent and palpable bias, by Mayor Watson and members of Council, in relation to the complaints and related allegations raised against Councillor Chiarelli, are clearly a matter of public record across the City of Ottawa over the last four or five months:



Jim Watson  
@JimWatsonOttawa

Please see @tm\_kavanagh's and my statement regarding Councillor Chiarelli.

To say that we are disturbed to hear the latest allegations regarding Councillor Chiarelli would be a gross understatement. There are really no words to describe our disappointment.

Our first thoughts are for the brave women who have come forward to share their experiences. The matter is before the City's Integrity Commissioner; however, we personally hope that these women will also share their experiences with the Integrity Commissioner, so that they can be properly and independently investigated.

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Crawley, Alistair. “Notes on Reasonable Apprehension of Bias”.

<https://cmlaw.ca/assets/files/pdf/Reasonable%20Apprehension%20of%20Bias%20-%20Crawley.pdf>

Ottawa

### 3 Ottawa councillors call for Chiarelli to resign



McKenney, Leiper, Menard call women's accounts 'degrading'

Trevor Pritchard · CBC News · Posted: Sep 26, 2019 4:15 PM ET | Last Updated: September 26, 2019

CANADA

## Ottawa city council defers Coun. Rick Chiarelli's request for leave



BY CHRISTOPHER WHAN - GLOBAL NEWS

Posted September 25, 2019 8:19 pm

Updated September 25, 2019 9:37 pm

Ottawa

### Chiarelli's leave request denied



College ward councillor must attend council by end of November or his seat will be declared vacant

Joanne Chianello · CBC News · Posted: Oct 23, 2019 11:01 AM ET | Last Updated: October 24, 2019

Ottawa · CBC INVESTIGATES

## Chiarelli affair has cast 'shadow' over city, mayor says



Council to decide on leave request as 13th woman details new allegations

Joanne Chianello · CBC News · Posted: Oct 23, 2019 4:00 AM ET | Last Updated: October 23, 2019

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## Ottawa City Councillors join protest of Rick Chiarelli at City Hall

The College ward representative made his first appearance at City Hall in more than a month, as 2020 budget items were again up for debate.

Dec 11, 2019 12:47 PM By: [Mike Vlasveld](#)

### Councillors taking a stand on Chiarelli, the only way they can

 CBC December 13, 2019

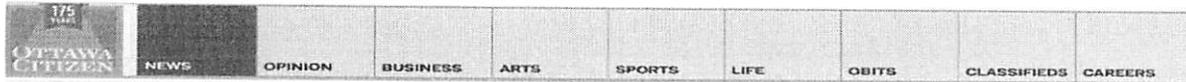


Councillors taking a stand on Chiarelli, the only way they can

It was a protest unprecedented at Ottawa city hall.

It didn't come from activists — they were there in the council chamber, too — but from city councillors who stood leaning over their chair backs, their laptops perched atop overturned recycling bins as they attended to Wednesday's hefty council agenda, which included approving a multi-billion-dollar budget.

They stayed standing, some for hours, because their colleague, Coun. Rick Chiarelli, was at the table, too.



"He sort of snuck in, snuck out, didn't say anything, didn't explain exactly what he's been up to. And we're left with this ... awkward and embarrassing situation that has become such a distraction almost every week around here," Watson said.

"I think you saw by the reaction that most members of council did not want to be seen near him, quite frankly, myself included."

It's not clear whether or not Chiarelli is back at work, the mayor said, and that's frustrating for colleagues, staff and constituents. He urged the councillor to publicly explain himself.

Chiarelli's Wednesday statement said he will continue to address his medical concerns while doing "as much as he can" to fulfill the expectations of his job, with an eye to eventually returning full-time. In the meantime, Chiarelli said his office staff will continue to serve College ward constituents and stay in contact with him.

The mayor was asked Wednesday if he was frustrated he couldn't do more to intervene in the whole situation. Watson explained that it would be "undemocratic" to give a city council the authority to dismiss an elected member.

But, he added, "I think there probably should be some provision within the municipal act that would give the minister the authority to look at a situation and see that it continues to be untenable and something has to be done."

"Because at the end of the day, Mr. Chiarelli's constituents suffer. They had no input, for instance, in the budget process, and there are issues that are bubbling up in his ward."

Menard said that he and fellow councillors Catherine McKenney and Jeff Leiper have been discussing their own letter to the province to request a change to rules that currently provide little recourse for those who want to hold Chiarelli accountable.



**Theresa Kavanagh City Councillor Bay Ward**

@tm\_kavanagh

## My statement concerning the protest at Council.

Individual councillors during the council meeting each made a personal decision to stand in what appeared to be a show of solidarity with those women who have made complaints against Councillor Rick Chiarelli.

My decision was consistent with what I have previously stated, namely that, regardless of the seriousness of the allegations, Council must still wait for the outcome of the independent investigation by the City's statutorily appointed Integrity Commissioner and then receive his report with an open mind. Not prejudging the outcome of that very investigation is something that I feel strongly about, and I believe my stance will reinforce the integrity of this mandatory legal process.

Maintaining my commitment to an impartial and independent process does not mean that I do not believe survivors. In fact I believe it is crucial for women to be able to come forward to report any form of sexual harassment. I am very much committed to eliminating sexual and gender harassment in the workplace, in the community and in women's homes and intend to put forward action items to attain these goals. For me, meeting my obligations to be and to be seen to be allowing the Integrity Commissioner's investigation to proceed without pre-judging the outcome in such an emotionally charged situation was frankly more difficult than joining in a last-minute suggestion to stand during a council meeting, particularly when I sit beside the accused Member of Council.

I feel strongly that the report from the Integrity Commissioner is crucial and I do not want to jeopardize this very important process. In the meantime, I and other Members of Council are examining recommendations we can make to improve the work environment for councillor employees and city employees in general to ensure a harassment and discrimination free workplace regardless of the outcome of this investigation. There is much work to do.

4:11 PM · Dec 11, 2019 · Twitter Web App

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HOME > LOCAL NEWS

## 'Do the honourable thing:' Mayor Watson calls on Chiarelli to resign

Speaking on Ottawa Today with Mark Sutcliffe on 1310 NEWS, Thursday morning, Mayor Jim Watson called on Chiarelli to resign.

Dec 12, 2019 10:49 AM By: [Jason White](#)



### **More Than Reasonable Apprehension of Bias – Clear Indications of Bias**

It is respectfully submitted that, at this point, Councillor Chiarelli can have no confidence in Council's ability to objectively decide on any matter that is presently before the IC.

Council members have defiantly stood in protest of Councillor Chiarelli. Mayor Watson has openly called for Councillor Chiarelli's resignation. Other members of Council have done the same. Councillor Kavanagh has publicly confirmed her discomfort with the public protest by her colleagues. Mayor Watson has spoken publicly about his "disgust", and not wanting "to be seen near him". Other councillors have urged the Province to hold Councillor Chiarelli "accountable".

To be clear, these have been the actions and statements of the "statutory decision makers". These have been the actions and statements of the ultimate "adjudicators".

How can these actions and statements possibly be reconciled with the "presumption of innocence"?

How can these actions and statements possibly be reconciled with the obligation to be fair, impartial and objective.

It is submitted that there can be no such reconciliation. It is submitted that the Mayor, and members of Council, have irreparably poisoned this process with their repeated demonstrations of bias.

There are a number of other issues, separate and apart from the “public record” of biased statements and actions, that also support the request that these matters be stayed.

### **Refusal To Approve Medical Leave**

It is submitted that members of Council have clearly allowed considerations related to the IC complaints to taint their consideration of Councillor Chiarelli’s past requests for approved medical leave.

It is submitted that Council has clearly used the “medical leave” request process to try to force Councillor Chiarelli out of office.

It is submitted that Council has attempted to utilize this process to impose the harshest sentence imaginable on Councillor Chiarelli – the involuntary loss of his elected position – without affording him due process, or the opportunity to clear his good name.

It is a matter of public record that Council deferred Councillor Chiarelli’s request for approved medical leave at its meeting of September 25, 2019, and ultimately refused the request at its meeting of October 23, 2020.

It is absolutely unprecedented for Council to second-guess, ignore or reject a councillor’s medical notes in these circumstances.

We confirm, for the record, that Councillor Chiarelli submitted three (3) separate medical notes from his family physician, in support of his request for approved leave (notes dated September 24, October 8 & October 22). As early as September 24<sup>th</sup>, Councillor Chiarelli’s physician confirmed an August 14<sup>th</sup> trip to the Emergency Room, the prescribing of medication, and the referral to a cardiology specialist.

It is also unprecedented for Council to not approve this type of leave request, when supported by uncontradicted medical evidence. In fact, two other similar requests were approved by Council, for Councillor Diane Deans and Councillor Keith Egli, without hesitation, objection or scrutiny, on September 25, 2019, **the very same day that Councillor Chiarelli’s similar request was deferred.**

It is submitted that Council’s unjustifiable and unreasonable approach to Councillor Chiarelli’s request for approved medical leave, and Council’s ultimate refusal to grant that request on October 23, 2019, also give rise to a reasonable apprehension of bias.

The fact that Councillor Chiarelli ultimately required open-heart, multiple by-pass surgery on December 13, 2019 is “proof positive” of the completely unjustifiable actions of Council, in refusing approved leave to their clearly sick colleague.

### **Concurrent Investigative Process**

We would also confirm that workplace investigator, Audrey Lizotte, has been formally engaged by the City, on a concurrent basis, to investigate allegations of improper conduct raised against Councillor Chiarelli. Our client was advised of this investigation on August 16, 2019, but he was only provided with meaningful particulars of the allegations on January 21, 2020 -- while he was convalescing from his open-heart surgery.

It is now apparent that there is considerable duplication and overlap between Ms. Lizotte's investigative mandate and the IC's investigative mandate.

It is submitted that this is entirely vexatious and inappropriate, and that it is indicative of a concerted attempt, by Council or certain members of Council, to overwhelm and/or "out-resource" Councillor Chiarelli -- at a time when he is fighting for his life.

### **Refusal To Reimburse Legal Fees**

It seems apparent that Council, or certain members of Council, have also actively interfered with Councillor Chiarelli's attempts to claim legitimate reimbursement of legal expenses related to the IC investigation.

The Code of Conduct specifically provides that Councillor Chiarelli is entitled to charge legal fees, related to the ongoing IC investigation, to his office budget:

2. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
  - a. The Member who is the subject of the investigation may consult with a lawyer and charge this to their office budget. If the complaint is determined to have merit, the Integrity Commissioner may require the Member to reimburse these expenses to the City. If the subject of the investigation of a citizen member of the Transit Commission, the costs may be expensed to the Council administration budget through the Clerk's office.

We confirm that Councillor Chiarelli submitted a request for legal expense reimbursement **sixteen (16) weeks ago**, on October 22, 2019. To date, the City has completely failed and/or refused to process that request.

On November 21, 2019, City Solicitor, David White, sent the following letter in respect of the request for reimbursement.



November 21, 2019

Mr. Sevigny,

The City Clerk's Office is in receipt of a request for payment of a Statement of Account dated October 22, 2019, rendered by your firm in relation to "Employment Advice", in the amount of \$11,593.80. The request is that the payment be attributed to the Constituency Services Budget for Councillor Chiarelli.

In accordance with the City of Ottawa's Council Expense Policy, the Constituency Services Budget is made available to Members of Council in order to provide them with the funds necessary to carry out their statutory duties as elected officials. It is not available in respect of matters that are personal to councillors, in their private capacities. That said, in accordance with the Complaint Protocol adopted by City Council as part of the *Code of Conduct for Members of Council*, a Member who is the subject of an investigation by the Integrity Commissioner "may consult with a lawyer and charge this to their office budget." I have attached copies of the *Policy*, as well as the *Code of Conduct*, for ease of reference.

In order to help me determine whether this provision might apply to all or part of the legal expenses submitted, can you please confirm – on a confidential basis – that your client is the subject of an investigation under the City's *Code of Conduct for Members of Council* and, if so, the date on which he received notice of same?

Thank you, in advance, for your assistance.

**DAVID G. WHITE**  
 City Solicitor | Avocat général  
 Legal Services | Services juridiques  
 Innovative Client Services Department | Services novateurs pour la clientèle

City of Ottawa Innovative Client Services Department 3 <sup>rd</sup> Floor 110 Laurier Avenue West Ottawa, ON K1P 1T1 ottawa.ca Direct Line (613) 560-2424 Ext. 21925 Fax (613) 560-1383 E-Mail: David.White@ottawa.ca	Ville d'Ottawa Services novateurs pour la clientèle 3 <sup>e</sup> étage 110, avenue Laurier Ouest Ottawa (Ontario) K1P 1T1 ottawa.ca Ligne directe (613) 560-2424 poste 21925 Télécopieur (613) 560-1383 E-Mail: David.White@ottawa.ca
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It is very difficult to accept this letter as anything more than a further act of obstruction, that raises serious questions about the direction that City staff is receiving, in relation to the IC investigation involving Councillor Chiarelli.

To be clear, it is respectfully beyond belief that the City Solicitor would require confirmation, in late November, 2019, that Councillor Chiarelli was the subject of an investigation under the City's Code of Conduct. In addition to having been the source of widespread press coverage since early September, it is a matter of record that the City Solicitor had been formally advising Council on matters related to the IC investigation at least a month earlier.

CBC

Thirteen women have now told CBC about inappropriate behaviour and comments by Chiarelli in his office and during job interviews. Chiarelli has denied all allegations.

Before the vote, city solicitor David White warned councillors not to take the allegations against Chiarelli into account when making their decision about the councillor's leave.

But that didn't stop Mayor Jim Watson from speaking his mind after the council meeting.

"There's a lot of important issues we're dealing with and Coun. Chiarelli's ward does not have a voice. We're trying our best to do so through two members of council filling in, but as you saw today, there's precious little support for Coun. Chiarelli," Watson said Wednesday.

In any event, a prompt response was sent to Mr. White:

**seigny dupuis** 

labour and employment lawyers

November 25, 2019

Strictly Confidential/By Electronic Mail

David G. White  
City Solicitor  
City of Ottawa (City Hall)  
110 Laurier Ave. West  
Ottawa ON K1P 1J1

Dear Mr. White:

Re: Councillor Rick Chiarelli

Thank you for your correspondence dated November 21, 2019, related to Councillor Chiarelli's request that this firm's account dated October 22, 2019 be paid out of our client's Constituency Services Budget.

I confirm that Councillor Chiarelli is the subject of an investigation under the City's Code of Conduct for Members of Council.

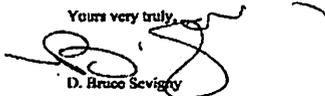
Councillor Chiarelli was first notified by the City Clerk's office on August 16, 2019 that he was the subject of some type of formal investigation. Our client was advised, at that time, that the jurisdiction/forum issue was still being sorted out.

By letter dated August 20, 2019, we requested full particulars from Tyler Cox, including the details of any City policy that had been triggered by the complaint and/or investigation.

On September 12, 2019, the CBC reported that a formal complaint had been filed against Councillor Chiarelli on July 2, 2019.

This firm was first retained by Councillor Chiarelli on July 22, 2019. All of the advice that we have provided, to date, relates to allegations and/or issues that are related to the current investigation under the City's Code of Conduct for Members of Council.

Yours very truly,

  
D. Bruce Seigny

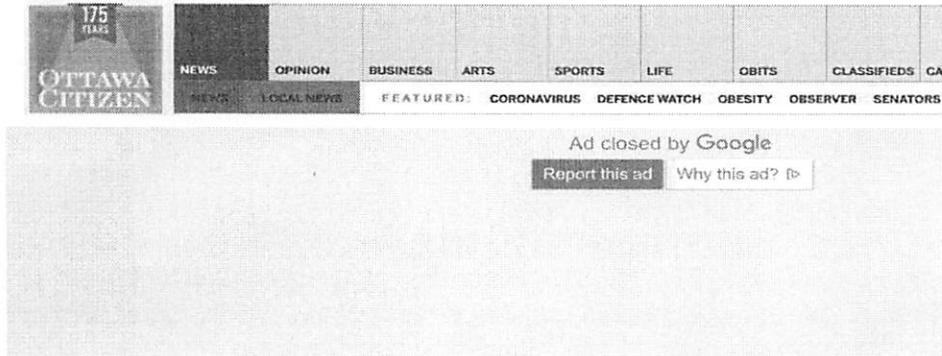
cc: Councillor Chiarelli

220 Hunt Club Rd.  
Suite #204  
Ottawa, ON K1V 1C1  
P 613-751-4459  
F 613-751-4471  
seigny@dupuis.com

Having regard to the clear wording of the Code of Conduct, the City's obvious and detailed knowledge of the existence of the IC investigation against Councillor Chiarelli, and the clear and express confirmation from counsel, that the expenses were legitimately and properly incurred,

there can be no justification for the fact that the City continues to withhold this requested reimbursement.

Of course, our client's concerns over this issue were only heightened by the recent disclosure that the IC has not faced any similar difficulties or challenges in obtaining appropriate financial resources to pursue his investigation against Councillor Chiarelli:



## Ex-RCMP boss billed \$116K for sleuthing as integrity commish looks into Rick Chiarelli allegations

A firm retained by Ottawa's integrity commissioner billed more than \$116,000 for investigative services, as the city looks into allegations against Coun. Rick Chiarelli.

It is our client's recollection that past IC investigations have cost no more than \$20,000.00.

It seems apparent to Councillor Chiarelli that Mayor Watson and other members of Council have pre-determined their preferred outcome for this IC investigation. It seems apparent to Councillor Chiarelli that Council, and/or agents of Council, have provided virtually limitless resources to the IC, to use at his discretion in the pursuit of his investigation, while at the same time deliberately withholding funds that are properly reimbursed to Councillor Chiarelli.

Council has refused to approve a medical leave that was medically justified. Council has refused to reimburse legal expenses that are legitimately and properly reimbursed under the specific provisions of the Code of Conduct. Council has permitted the initiation and/or continuation of a second, formal and duplicative, investigative process against Councillor Chiarelli, involving many of the same allegations, in a fashion that would reasonably be expected to cause additional expense and inconvenience for Councillor Chiarelli, at a time when he continues to recover from life-threatening heart surgery.

It is submitted that these actions reflect further bias, and/or that they give rise to a reasonable apprehension of bias.

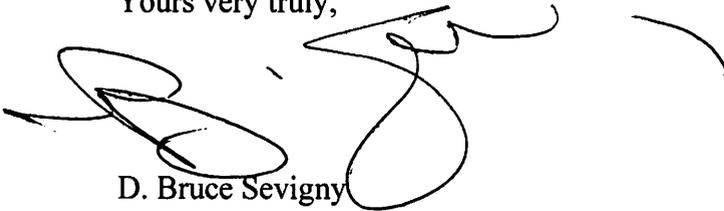
**Formal Request for Stay and/or Termination of Investigative Proceedings**

Councillor Chiarelli hereby formally requests that the IC and/or Council formally declare that the investigative processes that have been put in motion against our client have been irreparably damaged by the aforementioned actions of the Mayor and/or other members of Council, and that Councillor Chiarelli has been subjected to bias and/or a reasonable apprehension of bias in his attempt to respond to the allegations that have been raised against him.

Councillor Chiarelli also requests that these investigative processes be stayed and/or terminated for the same stated reasons.

Should the IC and/or Council decline to grant this requested relief, we ask that full and detailed reasons be provided in writing, making specific reference to the points raised in this correspondence, and to the various statements and actions of Council, so that there is a full and proper record for any future judicial review proceedings.

Yours very truly,



D. Bruce Sevigny

## Appendix C

### Reddit thread between Complainant 1 and anonymous Reddit user

Jun. 26

██████████ 2:34 p.m.

Hi

!!

You have worked for Chiarelli??

██████████ 2:36 p.m.

Yes. For almost a year

██████████ 2:36 p.m.

How was it??

██████████ 2:36 p.m.

I hope you don't mind, I deleted my post. But I would be happy to answer any questions and provide you with perspective about it.

Honestly, horrible.

I would seriously advise against it if you have any other options

Rick tends to hire very young women with little experience. If that is you, then you fit the bill nicely.

██████████ 2:37 p.m.

Thank you for letting me know.

██████████ 2:37 p.m.

When I worked for him, there were three of us. All under the age of 23. All with no experience. Weirdly hired off Kijiji

██████████ 2:37 p.m.

I look younger than what I am. And I think he thinks I am

██████████ 2:38 p.m.

You will not have a life at all

I worked 144 hours of overtime in 8 months

██████████ 2:38 p.m.

I see.

██████████ 2:38 p.m.

Always at the very last minute

\*minute

It is supposed to be banked for use during the election

He is also sort of dramatic, and turned everyone in the office against one girl

██████████ 2:39 p.m.

Oh I see

██████████ 2:39 p.m.

I did not stay for very long, but the other two girls I worked with stayed for around 4-5 years

From what I heard it didn't really improve much

Ironically, I bumped into a woman at a run club who worked for him 10 years before me and she described all of the same chaotic behaviour

██████████ 2:39 p.m.

That's a long time. Thank you for letting me know. I had the interview

██████████ 2:40 p.m.

That was why I quit. I was naive and thought that maybe he would improve, but that was the nail in the coffin for me

It was good "experience" on a resume, I will give it that.

██████████ 2:40 p.m.

Yeah, I imagine. I felt like the interview was more about my body than the job responsibilities

██████████ 2:41 p.m.

Bang on.

2:41 p.m.

And was wondering if that is how it is

2:41 p.m.

You clearly got a strange feeling, and honestly, you were very insightful and smarter than I was

He never sexually harassed anyone

As far as I am aware

2:42 p.m.

That is good to know

2:42 p.m.

I think he likes having young women on his team. More because they tend to be a bit naive and will tolerate things they shouldn't

Like awful work hours and constant drama and BS

2:43 p.m.

Do you remember your interview?

2:43 p.m.

Yep

2:43 p.m.

Did he ask you about how to dress?

2:44 p.m.

I had a 3 hour weird "interview" in a coffee shop

I had my boyfriend come and watch it because I was concerned

He then did a second weird interview in a coffee shop that my boyfriend also attended...because he found me on Kijiji and it was sketchy

He never mentioned how I dressed, but there was other weird stuff

I got a very bad feeling, but was very desperate for a job

I sort of knew what I was getting into but had no other options at the time

2:46 p.m.

That's fair

Thank you for letting me know

2:46 p.m.

Happy to help

I wish I had known more before hand as well

2:47 p.m.

:)

2:47 p.m.

Oh, he will also text you constantly

He will expect you to answer your phone at night

Literally.

Did you actually apply for an official job? Or meet in an official location?

2:48 p.m.

He mostly talk about his I should dress

No. Same as you

How

2:48 p.m.

He found you through some weird method?

And met in a coffee shop?

2:49 p.m.

I did send me resume to the city

But it was at a coffee shop

2:49 p.m.

Oh god some things never change

He did that with us because he was firing all of his staff at the time and didn't want them to know

He told me that during my interview

Which should have tipped me off more than it did. Again, desperate.

I was honestly so stressed under him that I took it out on everyone around me. My boyfriend of 4 years at the time told me he would leave me if I didn't quit because I became such a crazy mess.

I hoped some day I could help prevent someone else from making a similar mistake!

2:53 p.m.

You are helping me

2:54 p.m.

You have no idea how glad I am to hear that.

There are lots of other great Councillors. [REDACTED] is fantastic and very nice. People also loved working for [REDACTED].

Try emailing others your resume

If you want to get into politics

2:55 p.m.

Thanks again

2:56 p.m.

And [REDACTED] - also an excellent person to work for

You're welcome!

## Appendix D

### Transcript of telephone recordings between Complainant 1 (“C1”) and the Respondent (“R”)

July 6, 2019

R: Hello

C1: Hello

R: Hi, is this [Complainant 1]?

C1: Yes, Rick?

R: Yeah

C1: Hi

R: How are you?

C1: Good thank you, how are you?

R: Good. So I am calling to tell you that you got the job.

C1: Oh, nice!

R: Okay, um, so we'll have to figure out when you start and I'll have to tell you a whole bunch of stuff about politics and introduce you to the other people. What I was hoping, but I got you on the wrong day on Friday, is I was going to introduce you to my wife and my brother [C1: Okay] who play a big role in this. And, uh, anyway I think it's going to be a lot of fun. And, uh, I think you'll really like it and I think you'll be really good at it.

C1: Okay, now, um, as I told you I talked to my manager and they are working on renewing uh, my contract so I can go [R: Right] is like, is that okay?

R: So they are working on renewing it, so what would it be?

C1: So, it will become a one-year contract. So, right now they are working on my secret clearance.

R: Okay

C1: And, but they don't know. Like you know, it can take any time. . . between . . .

R: Okay

C1: Yeah

R: And you would go there if they got that one.

C1: Right

R: Hmmm [C1: Yes] so you don't, you don't know how long that will . . .

C1: Exactly, and I talked to her on Friday because I, I went to the office to give her back a book that I borrowed to read, and then that's when she told me and then they got my finger prints, um, so that they can do, you know, they, well they can continue the process, uh, to check that I, you know, that I'm not a criminal or spy.

R: Right, I've had people do that before.

C1: Yeah, so . . . [R: Um] yeah I don't know if you had like a, because I don't want to, I don't want to, you know, like I don't want to say no, but I also don't want you to not get somebody else and then I leave.

R: Okay, I see. But you don't know how long this would take?

C1: No, they said it could be between one to four months so . . . um, they don't know.

R: It would be what?

C1: Between one to four months.

R: Okay. Hmmm . . . so it could take . . . what's it likely to take?

C1: The truth is that I lived in [location redacted] for two years and so I don't know what is the process when you have lived outside. I know that, that's what they gave me. They gave me one to four months. And they said they didn't know how long. Like, but it takes, it's between that. So, I live in different places because I have moved around depending [R: Right] on the job I get, so [R: Right] I think that might make it take a little bit longer. Just because I have had different addresses and as I said, one is international. Uh, so . . . I don't know.

R: So it could take . . . what's realistic?

C1: That's . . . seriously, that's what I asked them. I told them, like I need to know, I need to know when to, you know, do everything. And they said, they will tell me as soon as they could but it would be between one and four months. That's all they said.

R: Well, that's a big gap.

C1: I know, I know . . . I know. One month - I'm happy with vacations. Four months - not so happy.

R: Yeah . . . um, hmmm. Okay, cause I'll tell you what happened, uh, a local media outlet, uh, basically cancelled the show that they were running and the person who ran that show immediately applied with me. So I now have - that person is hired. And you would be hired, and someone else is on board already and another person is on board. So that's how the team would work.

C1: Oh I see.

R: If it was four months, that would be rough because, um, hmmm.

C1: I know, and that's why, as soon as they told me, because like they were like trying to get it [inaudible] where they should if they could and then when I saw her she told me they were starting the process and that I needed to give my fingers prints and so that's why I was like, okay . . .

R: Okay, and we have, um, for the, uh, getting ready for the New Years Eve, that's sort of what we're doing now too along with everything else. [C1: Right] Um, hmmm, but at least we already know we have at least three things you can wear that don't have any of the, the things you don't want to do in them. So that's good, you wouldn't be asked to wear anything you don't want to wear. But we do have three things that will work. [C1: Okay] Um, superheros. Um, at least we don't have to do that. Um. . .see if we get into September and you still don't know that's rougher.

C1: I know, I know and that's why I wanted to know, because . . .

R: And yeah, 'cause in . . . we would have a newsletter that we're going to do. That's why I was asking about the uh, design software.

C1: Right, yeah. In Design seriously, or actually the one I told you about, Kamba? [R: Yeah, yeah] It's really great and [inaudible] to be a graphic designer to understand it.

R: Okay I would have to see, I haven't actually used that one. [C1: Okay] I've used In Design but I haven't used that one. And also my wife wanted, like my wife and brother wanted to meet you so, um, I don't know.

C1: I know, [R: This is tough] I know - I'm putting you in a tough situation because seriously that's - what am I? That's exactly . . .

R: Mm-hmm

C1: Yeah

R: So . . . yeah usually doesn't come open that often. So, if we just filled it temporarily [C1: Mm-hmm] um, for a month or two months. If it gets to September, things start to get really busy in September because we have the New Years Eve coming up and we have uh a number of legislative things coming up. You know, so hopefully it would be before that. [C1: Right] I don't know. Um, yeah and you would work really well with this, this guy that we hired from the, uh, media outlet. He, um, he does more of the things that you don't do as much of but he doesn't do as much of the things you do more of.

C1: I see okay I see, I understand.

R: Um, so . . . uh. What do you think I should do?

C1: Well what if, let me . . . let me think. Because, because I think that, uh, you know, I think that you need somebody for more than four months for sure. So, did you have like a second person that you would like to hire?

R: Well if we were hiring, okay, if we were hiring somebody, um . . . for a month or two. We'd have her, like she would - we have someone whose worked with me before and would do it for a month of two. [C1: Okay] Um, so that might be possible, um . . . I don't know. [C1: Okay, because . . .] Is that what you're suggesting?

C1: Well what I'm thinking is that, uh, that. . .yeah, I just don't want . . . I just don't want to start learning about it and then leave. [R: Right] And then you have to go, to start again with somebody else. Because if, uh . . . because I would, I would love to like continue with the, with the government. It's a really good opportunity.

R: No, I know. Um, so is this one by the way. You can continue with this one. But it probably pays more right now right?

C1: Oh yeah for sure. Yeah it's, it's definitely . . . it's more than double.

R: Wow [C1: Yeah] Um . . . hmmm. Let me see . . . yeah, I would have to think about that. Unless um . . . uh . . . could you come in for awhile and so you see whether you get hired there?

C1: Okay, what is . . . [R: And then if you, yeah] let me . . . is it okay if I call you back on Monday? And then I will . . . [R: Yeah] Okay.

R: Yeah, no but what, and what I'm thinking here is you maybe could start with us [C1: Uh-huh] and then if it doesn't come through at the federal government, you just continue with us.

C1: Right, that makes sense

R: You see what I'm saying? [C1: Yes] And then, then if uh, if it does come with the federal government then, then you would leave with us and I would get, I would have time to uh, get someone else. [C1: I see, okay] So just think about that.

C1: I will and then, I will call you Monday morning. Is that okay? Or I will, I will. . .

R: Sure

C1: Yeah? Okay

R: Yeah, is there um, yeah. Is there anything, um . . . let's see, any other questions you have about us?

C1: No, no as I said, you know, one thing is to talk and the other one is to start doing it and then realize, you know, then I have more questions. It's . . . [R: Okay] [inaudible] that's how it's worked so far, for me.

R: yeah. Well one thing that like, the reason I wanted you to meet my wife and my brother is that they run the campaign [C1: Okay] and they do an awful lot of work for free for our office. And, they are involved in the strategy and so, at some point that will happen. If you end up here, you'll meet them. [C1: Okay] And uh, I know that's not

normal in most jobs, but it is in politics. [C1: No, yeah] I just make it, I make it formal and do the introduction.

C1: Right, no, and I understand completely because I worked for. . .it depends on how big and small is the community and it makes a lot of sense. Thank you so much.

R: Okay.

C1: Let me call you on Monday morning.

R: Okay, sure.

C1: Alright.

R: Alright.

C1: Thank you, thank you again.

R: Thank you, bye.

C1: Okay, bye.

### **July 8, 2019**

R: Hello

C1: Hello Rick?

R: Yes, hi.

C1: Hi, this is [Complainant 1]. How are you?

R: Good, how are you?

C1: Good, thank you. Okay Rick, I've been thinking about it, but I decided I will stay in [location redacted] to save money until, uh, they call me back.

R: Okay, so that could be . . . that's all uncertain right?

C1: Yes.

R: When that would be?

C1: Yes, but my family is in [location redacted] so, um, I don't have to worry about paying rent and everything else.

R: Hmmm. So, if I have a person that does the next couple of months then would that still be a possibility? Like if it doesn't work out? Would you still consider coming here then?

C1: If the federal government doesn't work out?

R: Right.

C1: Oh, I see. Uh, for the experience, yes. Um . . .

R: So, I would . . . okay so, you'll be back - well keep in touch with me via email.

C1: Okay.

R: And then, if it doesn't work out, then you could come back here.

C1: Thank you very much.

R: Okay. Because this is um - I think you would have a lot of fun at it. I think it's, um, really in line with what you're trained for. And, uh, there are a lot of positions at the City like that, you know.

C1: I see what you mean, yes.

R: So. Okay.

C1: Thank you very much.

R: Alright, thanks a lot. Bye.

C1: Bye.

March 26 (2014): Head Strong Fundraiser Kick off event @ [redacted]



Rick Chiarelli

Rick Chiarelli  
You're friends on Facebook

March 29, 2014

Hi. Do you still want to meet on that matter you mentioned?

Hi Rick. Regarding potential employment? Yes I would like that.

Alright, well we should set something up. Do you have a mobile number I can text you at?  
Mine is [redacted] I may be at the [redacted] event tonight (or may not, it's not certain yet, due to schedule) but it's probably best if you tell me when you are generally available and I could send you a bunch of times within that to pick from.

Ok sounds good. My number is [redacted] I'll take a look at my schedule for the week when I get home tonight and will let you know.

Hi Rick, would you be able to get together next week at some point? I'm available Tuesday afternoon, or Thursday all day. Let me know what works.  
Also, here is the link to purchase tickets to the [redacted] event I'm holding at the [redacted] in case your staff is still interested in going.  
Thanks ☺



Thursday late in the afternoon or at night works best (Tuesday is Planning Committee and it could go all day & tip 11pm - or just an hour, we never know)

Text me

Appendix F

**Rick Chiarelli**

Messenger



Our business is PR...but with opponents who constantly try to sabotage us..



I have one more semester left, and then hoping to go onto a Master's program once I'm finished. This summer I'm going to increase my volunteer/work experience.

where/

?



Aa



**Rick Chiarelli**

Messenger



what type

Still in the planning stages, I'm not sure yet.

Hmm

Are getting involved in either of the two upcoming elections? (Provincial in June)

Or have you already done that?



I haven't done any work in politics yet but that sounds interesting!



Aa



**Rick Chiarelli**

Messenger



I am arranging things right now for the lead up to the election and then for the election campaign itself. And I have great respect for the [REDACTED] and [REDACTED] programs. So, because I think ahead, I often scoop up a bunch of names each year when I am out supporting their events, because I know in 2+ years they will graduate and, if I happen to be looking at that time I can



Aa



**Rick Chiarelli**

Messenger



happen to be looking at that time, I can speak to some and see if they would ever want to consider it

I have recruited that way before and it has worked well for everyone involved



What are you looking for specifically?

A couple of spots. It really depends on who is available and and best combinations that flow from that



Aa



**Rick Chiarelli**

Messenger



best combinations  
that flow from that

Are you in the west  
end of ottawa these  
days? downtown?



The east? The south?

I'm living downtown  
Ottawa. Are you looking  
for a paid position or a  
volunteer position?

Two paid and a  
number of volunteer.  
But it is the paid ones  
that have to be the  
best combinations.  
FYI before my law



Aa



**Rick Chiarelli**

Messenger



best combinations.  
FYI, before my Law  
degree, my degree  
was in media and  
communications from  
U Ottawa - which  
used to include PR



Yes, I would love to hear  
some more information  
about what you have  
available!

Well politics is nasty.  
And if you can handle  
the nastiness and  
succeed at it, your  
stock rises



Aa



**Rick Chiarelli**

Messenger



succeed at it, your  
stock rises  
everywhere else in PR



I'm interested in any  
opportunity or challenge  
in PR. How would I find  
out more?

We could meet at a  
Starbucks downtown  
- either in Rideau  
Centre or across from  
City Hall (Elgin at  
Lisgar).



Sure, that works. Could  
we arrange for a time



Aa



**Rick Chiarelli**

Messenger



Sure, that works. Could we arrange for a time this week?

Yes, I really want to start piecing this together so this week is best.

It could also be in the West end.

Are you in exams now?

I'm in exams now, but I'm available this upcoming Friday. Exams



Aa



**Rick Chiarelli**

Messenger



I'm in exams now, but I'm available this upcoming Friday. Exams are always time consuming, but does that work for you?

Can you go to Starbucks at College Square for 11:00 on Friday?



That sounds great, thank you for reaching out to me!

Ok. See you there. My mobile number is



Aa





**Rick Chiarelli**  
Messenger



Starbucks at College Square for 11:00 on Friday?



That sounds great, thank you for reaching out to me!

Ok. See you there. My mobile number is [REDACTED] in case something comes up and you can't make it.



Thank you again for the opportunity!



Aa





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**SPECIAL OTTAWA CITY COUNCIL  
Disposition 37**

**Wednesday, July 15, 2020**

**9:00 AM**

**By Electronic Participation**

**This Meeting was held through electronic participation in accordance with Section 238 of the *Municipal Act, 2001* as amended by Bill 187, the *Municipal Emergency Act, 2020*.**

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*Note: Please note that the recorded votes and dissents contained in this Disposition are to be considered DRAFT until the Minutes of the meeting are confirmed by Council.*

**IN-CAMERA ITEM\***

INVESTIGATION OF A COMPLAINT AGAINST COUNCILLOR  
CHIARELLI PURSUANT TO THE CITY'S VIOLENCE AND  
HARASSMENT IN THE WORKPLACE POLICY AND THE  
*OCCUPATIONAL HEALTH AND SAFETY ACT – IN CAMERA -*

**MOTION**

Moved by Councillor L. Dudas  
Seconded by Councillor E. El-Chantiry

**That the *Rules of Procedure* be suspended to receive a to receive an update, *in camera*, regarding the investigation of a complaint against Councillor Chiarelli pursuant to the city's Violence and Harassment in the Workplace Policy and the *Occupational Health and Safety Act*, at today's meeting, so that Council may receive this information at the same meeting it considers the Integrity Commissioner's Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli.**

**That, in accordance with the *Procedure By-Law*, being By-law No. 2019-8, City Council resolve *In Camera* pursuant to Subsections 13(1)(b), personal matters about an identifiable individual, including staff; 13 (1)(e), litigation or potential litigation affecting the City, and 13(1)(f), the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, to receive an update regarding the investigation of a complaint against Councillor Chiarelli pursuant to the city's Violence and Harassment in the Workplace Policy and the *Occupational Health and Safety Act*.**

CARRIED

This item was dealt with *In Camera* pursuant to Procedure By-law (By-law No. 2019-8), Subsections 13(1)(b), personal matters about an identifiable individual, including staff; 13(1)(e), litigation or potential litigation affecting the City; and Subsection 13(1)(f), the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Upon resuming in open session, Mayor Watson advised that no votes were taken other than procedural motions and/or directions to staff.

The following direction to staff was given upon resuming in open session:

DIRECTION TO STAFF (Mayor Watson):

Members of Council received a briefing from staff on an investigation under the City's Violence and Harassment in the Workplace Policy that determined that Councillor Chiarelli had engaged in harassment in the workplace. As a result, Council is directing that staff provide Council with an outline of the remedial options available in response to the workplace investigation of a complaint against Councillor Chiarelli pursuant to the City's Violence and Harassment in the Workplace Policy prior to or concurrent with the delivery by the Integrity Commissioner of his second report into alleged breaches of the Code of Conduct for Members of Council, involving two complaints against Councillor Chiarelli from former employees.

*Note: In keeping with the City's Violence and Harassment in the Workplace Policy and the Occupational Health and Safety Act, the report on the investigation remain confidential and cannot be disclosed publicly.*

## REPORTS

### INTEGRITY COMMISSIONER

- |  |
|--|
| 1. <u>REPORT TO COUNCIL ON AN INQUIRY RESPECTING THE CONDUCT OF COUNCILLOR CHIARELLI</u> |
|--|

## REPORT RECOMMENDATIONS

The Integrity Commissioner recommends that City Council:

1. **Receive this report, including the finding that Councillor Chiarelli has contravened Section 4 and Section 7 of the Code of Conduct; and**
2. **Consecutively impose the following sanctions for each individual contravention of the Code of Conduct commencing on adoption of this report:**
  - a. **Complaint 1 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days;**
  - b. **Complaint 2 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days;**
  - c. **Complaint 3 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days.**

CARRIED as amended by the following Motion:

### MOTION

Moved by Councillor M. Luloff

Seconded by Councillor L. Dudas

**WHEREAS Recommendation 2 of the Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli recommends Council impose sanctions consisting of suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 270 days (90 days for each individual contravention of the Code) commencing on adoption of this report; and**

**WHEREAS staff have advised that establishing an effective date to implement any suspension of remuneration to align with the appropriate pay period would assist staff in the administration of this penalty and provide clarity to the subject of the suspension, and there are insured benefits obligations that must be considered as part of this implementation, given that the subject remains a sitting Member of Council; and**

**WHEREAS Payroll staff has recommended an effective date of August 14, 2020 for implementation;**

**THEREFORE be it resolved that Recommendation 2 be amended to replace “commencing on adoption of this report” with “commencing on August 14, 2020 to align with the appropriate pay period, such that all insured benefits obligations, as determined by the City Solicitor and the Director of Human Resources, are met.”**

CARRIED

The report recommendations, as amended by the Luloff/ Dudas motion, were then put to Council and CARRIED on a division of 21 YEAS and 0 NAYS, as follows:

YEAS (21): Councillors S. Moffatt, M. Luloff, J. Harder, T. Kavanagh, J. Sudds, G. Darouze, J. Cloutier, J. Leiper, T. Tierney, E. El-Chantiry, G. Gower, K. Egli, C. McKenney, S. Menard, C. A. Meehan, M. Fleury, R. Brockington, R. King, A. Hubley, L. Dudas,  
Mayor J. Watson

NAYS (0):

[OTTAWA PUBLIC HEALTH / EMERGENCY AND PROTECTIVE SERVICES](#)

2. [TEMPORARY MANDATORY MASK BY-LAW FOR ENCLOSED PUBLIC SPACES IN THE CITY OF OTTAWA](#)

## REPORT RECOMMENDATION

**That Council approve the Temporary Mandatory Mask By-law, as attached at Document 1 and as described in this report.**

Following opening remarks by Mayor Watson and Councillor Egli, Chair of the Ottawa Board of Health, Council received a presentation Doctor Vera Etches, Medical Officer of Health, and Anthony Di Monte, General Manager, Emergency and Protective Services Department, with respect to COVID-19 and the proposed By-law. A copy of the presentation is on file with the City Clerk's Office.

The following motion was put forward for Council's consideration:

## MOTION

Moved by Councillor S. Menard  
Seconded by Councillor C. McKenney

**WHEREAS according to a recent CBC poll, that 46% of Canadians are about \$200 away from financial insolvency; and**

**WHEREAS a \$500 fine is unaffordable for too many residents; and**

**WHEREAS the minimum fine for failure to follow one mitigatory instruction should not leave any of our residents in serious financial peril; and**

**WHEREAS mandatory masks represent a not insignificant shift in public behaviour that requires adherence to a new norm that is contingent to place and circumstance; and**

**WHEREAS an educational approach is an efficacious approach to establishing public health norms; and**

**WHEREAS ensuring access to free facial masks for those who want or need them will help ensure that public health guidelines are followed;**

**THEREFORE BE IT RESOLVED THAT section 9(2) of the bylaw contained in document 1 of this report be amended as follows:**

**Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$50 and to a maximum fine not exceeding \$100,000 for each day that the offence occurs or continues pursuant to subsections 429(1), (2) and (3) of the *Municipal Act, 2001*, and all such offences are designated as continuing offences as provided for in subsection 429(2), paragraph 2, of the *Municipal Act, 2001*.**

**BE IT FURTHER RESOLVED THAT a second recommendation be added to the report as follows:**

**That Ottawa City Council instruct By-law and Regulatory Services to take an educational approach and consider carrying free facial masks to distribute to offenders of the by-law.**

LOST on a division of 21 YEAS and 0 NAYS, as follows:

YEAS (8): Councillors T. Kavanagh, J. Leiper, G. Gower, R. Chiarelli, C. McKenney, S. Menard, M. Fleury, R. King

NAYS (14): Councillors S. Moffatt, M. Luloff, J. Harder, J. Sudds, G. Darouze, J. Cloutier, T. Tierney, E. El-Chantiry, K. Egli, C.A. Meehan, R. Brockington, A. Hubley, L. Dudas, Mayor J. Watson

The report recommendation was then put to Council and CARRIED as presented.

[CITY CLERK](#)

3. [WARD 19 \(CUMBERLAND\) – VACANCY OPTIONS \(JULY 15\)](#)

**REPORT RECOMMENDATIONS**

1. That Council approve and enact a By-law to Require a By-Election, attached as Document 1, to hold a by-election to fill the vacancy in the Office of Councillor, Ward 19 (Cumberland) in accordance with the *Municipal Elections Act, 1996*, as described in this report.
2. That Council approve and enact a By-Law to Authorize the Use of an Alternative Voting Method, attached as Document 2, to permit the use of a special mail-in ballot that does not require electors to attend at a voting place in order to vote in accordance with Subsection 42(1)(b) of the *Municipal Election Act, 1996*, for the Ward 19 (Cumberland) by-election, as described in this report.

CARRIED

[FINANCE SERVICES DEPARTMENT](#)

4. [PUBLIC PRIVATE PARTNERSHIP, OTTAWA COMMUNITY ICE PARTNERS](#)

**REPORT RECOMMENDATIONS**

**That Council:**

1. Authorize the Chief Financial Officer to implement, finalize and execute the terms of a loan guarantee for an additional line of credit for a new, or amendment to the existing Ottawa Community Ice Partners (OCIP) Bell Sensplex loan agreement with the Bank of Nova Scotia to a maximum of two million dollars.
2. Authorize the Chief Financial Officer to implement, finalize and execute the terms of a loan guarantee for an additional line of credit for a new, or amendment to the existing Ottawa Community Ice Partners (OCIP) Richcraft Sensplex

**loan agreement with the Royal Bank of Canada to a maximum of three million dollars.**

CARRIED

## COMMITTEE REPORTS

### AGRICULTURE AND RURAL AFFAIRS COMMITTEE REPORT 14

- |  |
|--|
| 5. <a href="#"><u>OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT - PART OF 7732 SNAKE ISLAND ROAD</u></a> |
|--|

## COMMITTEE RECOMMENDATIONS

**That Council:**

- 1. Approve an amendment to the Official Plan for part of 7732 Snake Island Road to permit an expansion to the Osgoode Care Centre (7650 Snake Island Road), as detailed in Document 2.**
- 2. Approve an amendment to the Zoning By-law 2008-250 for part of 7732 Snake Island Road to permit an expansion to the Osgoode Care Centre (7650 Snake Island Road) as detailed in Document 3.**

CARRIED as amended by the following motion:

## MOTION

Moved by Councillor G. Darouze  
Seconded by Councillor E. El-Chantiry

**WHEREAS at the July 8, 2020 meeting, Agriculture and Rural Affairs Committee recommended approval of the staff report ACS2020-PIE-PS-0057 for an Official Plan Amendment and a Zoning By-law Amendment for part of 7732 Snake Island Road; and**

**WHEREAS there are technical amendments required to modify the report to better reflect the desired outcome of accommodating future expansion of the Osgoode Care Centre by including all the parcels of land addressed as 7732 Snake Island Road as identified on the location map in Document 1 of the report;**

THEREFORE BE IT RESOLVED the Council replace Document 2<sup>[1]</sup> – Proposed Official Plan Amendment, Document 3<sup>[2]</sup> – Details of Recommended Zoning, and Document 4<sup>[3]</sup> – Zoning Key Plan Map with the attached documents to include Area B as shown in the revised Document 4; and

BE IT FURTHER RESOLVED THAT pursuant to the *Planning Act*, Subsection 34(17) no further notice be given.

CARRIED

6. [FALLOWFIELD-BLEEKES SOIL STUDY RESULTS](#)

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council:

1. **Direct staff to review the boundaries of the Agricultural Resource Area with the Ministry of Agriculture, Food and Rural Affairs as part of the new Official Plan, with the view to the potential removal of the land at 2394 Dwyer Hill Road from the Agricultural Resource Area Designation;**
2. **Designate land at 2394 Dwyer Hill Road as General Rural in the new Official Plan; and**
3. **Direct staff in Planning, Infrastructure and Economic Development engage a third party professional agrologist to undertake a peer review of the City's soil analysis and any additional information made available for the lands south of Fallowfield Road and north of Bleeks Road between Conley and Munster Roads as identified on Document 4 in order to confirm or update the soils mapping for the purpose of the City's LEAR and report back to committee by Q4 2020.**

CARRIED

7. [TEMPORARY ZONING BY-LAW AMENDMENT – OUTDOOR COMMERCIAL PATIOS AND POP-UP RETAIL STORES](#)

**PLANNING COMMITTEE AND AGRICULTURE AND RURAL**

**AFFAIRS COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 to relax certain requirements and provisions on outdoor commercial patios, and for retail stores City-wide, as detailed in Document 1.**

CARRIED as amended by the following motion:

**MOTION**

Moved by Councillor Leiper  
Seconded by Councillor McKenney

**WHEREAS local restaurants have specifically requested to be allowed to establish outdoor commercial patios within parking lots on adjacent or nearby properties, with property owner support; and**

**WHEREAS Council, at its meeting on June 10 directed staff to prepare a Temporary Zoning By-law Amendment to amend the provisions to allow for physical distancing requirements pertaining to restaurants, outdoor commercial patios and retail stores; and**

**WHEREAS the proposed Temporary Zoning By-law Amendment proposes to allow outdoor commercial patios in all zones, other than residential zones; and**

**WHEREAS a local business has requested to use a commercial parking lot at 104 to 108 Pinhey St for an outdoor commercial patio for this season only, which is zoned residential;**

**THEREFORE BE IT RESOLVED THAT Council amend Document 1 in the report be amended as follows:**

**Add the following text:**

**(g) despite 7(a) above, an outdoor commercial patio is permitted on the properties municipally known as 104, 106 and 108 Pinhey Street where associated with a permitted use of the TM11 zone.**

CARRIED

COMMUNITY AND PROTECTIVE SERVICES COMMITTEE  
REPORT 11

8. [THE CITY OF OTTAWA - OPEN TO THE OPPORTUNITY TO PARTICIPATE IN ANY REVIEW OF LONG-TERM CARE HOMES](#)

**COMMITTEE RECOMMENDATION:**

**That Council request that the Mayor and Chair of Community and Protective Services Committee, in consultation with the Director of Long-Term Care and the Medical Office of Health, write to the Honourable Merrilee Fullerton, Minister of Long-Term Care, acknowledging that the City of Ottawa would welcome the opportunity to participate in any review that may arise of Long-Term Care Homes and that the letter provide feedback on immediate next steps where mutual progress could be made.**

CARRIED

9. [LEGISLATED FIVE YEAR REVIEW OF THE 10-YEAR HOUSING AND HOMELESSNESS PLAN](#)

**COMMITTEE RECOMMENDATIONS, AS AMENDED:**

**That Council:**

1. **Approve the updated 10-Year Housing and Homelessness Plan 2020-2030 and its recommended actions as the framework to guide the City's efforts over the next 10 years to strategically and effectively address local housing and homelessness needs.**
2. **Direct the General Manager of Community and Social Services forward the approved 10-Year Housing and Homelessness Plan to the Federal Minister of Families, Children and Social Development, the Ontario Minister of Municipal Affairs and Housing and the Minister responsible for the Canada Mortgage and Housing Corporation, including a full list of recommended actions and estimated costs to:**
  - a. **Inform current and future housing policies, programs initiatives; and**
  - b. **Request the continuation of existing programs to 2030 as well as new and enhanced investments in the City of Ottawa to improve the housing, health and socio-economic well-being of Ottawa residents.**
3. **Direct the Director, Housing Services to report back to the Community and Protective Services Committee on the Long-Range Financial Plan for Housing currently under**

development that will be at Finance, Economic Development Committee in Q3 2020.

4. **Direct staff to update the Community and Protective Services Committee annually on the 10-Year Plan's achievements and progress towards meeting targets.**
5. **Direct staff to develop an ambitious and achievable workplan in consultation with the Mayor, and Members of Council, for any matters that arise from the 10-Year Housing Plan 2020-2030, and that staff outline feasible targets, actions and priorities to be implemented over the remainder of this term of Council, to be presented for consideration by Council in Q1 2021.**
6. **Direct the Community and Social Services Department to work with Ottawa Open Data and report back to the Community and Protective Services Committee by the end of Q1, 2021 on the inclusion of the data strategy into a workplan for the 10 Year Housing and Homelessness Plan for the remaining Term of Council and that this data strategy include the regular public reporting, in partnership with Ottawa Open Data, of data including, but not limited to: number of individuals and families using the emergency shelter system, per night; municipal, provincial and federal dollars spent on shelter and hotel/motel use, in Ottawa, per month (for all demographics), and number of individuals and families permanently housed, per month.**
7. **Approve that the 10-Year Housing and Homelessness Plan 2020-2030 establish a family first priority and a family focused approach; and**
8. **Direct City staff to define goals, targets, tactics and outcomes to eliminate chronic homelessness for families, and report back to the Community and Protective Services Committee by the end of Q1, 2021 on the inclusion of this direction into a workplan for the 10 Year Housing and Homelessness Plan for the remaining Term of Council.**

CARRIED as amended by the following motion:

#### MOTION

Moved by Councillor King  
Seconded by Councillor Fleury

**WHEREAS the City of Ottawa updated its 10-Year Housing and Homelessness Plan (The Plan) 2020-2030 to guide the City's efforts over the next 10 years to**

**strategically and effectively address local housing and homelessness need;**

**WHEREAS The Plan acknowledges the diversity of experience of people who enter into homelessness, or are in insecure housing, and recognizes that tailored solutions are required so that the system is responsive and equitable for all;**

**WHEREAS a Gender, Equity and Diversity lens was used in drafting the Plan, recognizing that more needs to be done to better understand the unique realities of various groups, and to ensure their strengths, perspectives and experiences are considered in the development and design of new services and programs;**

**WHEREAS public consultations also identified the need to ensure that equity groups receive targeted supports;**

**WHEREAS the City recognizes the need to ensure a more inclusive City and appointed Councillor Rawlson King as the Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives for the 2018-2022 Term of Council;**

**WHEREAS many equity groups face significant challenges in navigating and accessing housing that is suitable for their needs and experience discrimination and stigma in the housing market;**

**WHEREAS urban Indigenous peoples, including youth, are eight times more likely to experience homelessness than the general population, and are estimated to make up between 20% and 50% of homeless populations in major urban centres in Canada, while the 2SLGBTQ+ young people are estimated to make up 20% to 40% of urban homeless youth populations;**

**WHEREAS the City of Ottawa works and engages with numerous partners in delivering housing and homelessness services across the City and these strong partnerships allow the City to respond to the needs of populations such as youth, 2SLGBTQ+, Indigenous people, women and newcomers;**

**THEREFORE BE IT RESOLVED that agencies funded by the City of Ottawa for the delivery of housing and homelessness services must acknowledge and promote the City's guiding principles as outlined in the Woman and Gender Equity Strategy once released, and future principles identified by the Anti-Racism Secretariat when delivering the funded services.**

CARRIED

FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE  
REPORT 15

10. [CAPITAL BUDGET ADJUSTMENTS AND CLOSING OF PROJECTS  
– CITY TAX AND RATE SUPPORTED](#)

**COMMITTEE RECOMMENDATIONS**

**That Council:**

- 1. Authorize the closing of capital projects listed in Document 1;**
- 2. Approve the budget adjustments as detailed in Document 2;**
- 3. Return to source (funding required) the following funding balances and eliminate debt authority resulting from the closing of projects and budget adjustments:**
  - General revenue \$1,800,000**
  - Capital supported reserves \$79,490,133**
  - Development Charge reserves \$16,956,185**
  - Debt Authority \$9,825,368**
- 4. Permit those projects in Document 3 that qualify for closure, to remain open; and**
- 5. Receive the budget adjustments in Document 4 undertaken in accordance with the Delegation of Authority By-law 2019-280, as amended, as they pertain to capital works.**

CARRIED

11. [2019 – PROCUREMENT YEAR IN REVIEW](#)

**COMMITTEE RECOMMENDATION**

**That Council receive this report for information.**

RECEIVED with Councillor S. Menard dissenting.

12. [REVIEW OF RECRUITMENT AND HIRING PROCESSES FOR COUNCILLORS' ASSISTANTS](#)

**COMMITTEE RECOMMENDATIONS**

**That City Council approve:**

- 1. The following improvements to the hiring and recruitment and related processes for Councillors' Assistants, as described in this report and specifically as follows:**
  - a. That staff develop a recruitment toolkit for Members of Council, including best practices, statutory and administrative responsibilities, job description templates and standardized interview questions, as described in this report;**
  - b. That staff develop mandatory hiring and recruitment training for incoming Members-elect as part of Council orientation, as described in this report;**
  - c. That staff implement mandatory individualized orientation sessions for Councillors' Assistants, as described in this report;**
  - d. That staff amend the employment contract for Councillors' Assistants, as described in this report;**
  - e. That staff implement voluntary exit interviews for Councillors' Assistants who voluntarily leave their position, to better inform the recruitment and hiring process, as described in this report;**
  - f. That staff establish a mandatory gender equity, diversity and harassment training session for all Members of Council and their staff, as described in this report;**
  - g. That staff provide ongoing training to Councillors' Assistants throughout a Term of Council, as described in this report; and**
  - h. That, as part of the 2018-2022 Mid-term Governance Review, staff be directed to bring forward for Council consideration a revised Councillor's Office Manual that reflects current policies and procedures, as described in this report; and**
- 2. That the City Clerk be directed to incorporate a review of Members' office-related matters, including employment matters, as part of each governance review, as described in this report.**

**MOTION**

Moved by Councillor T. Kavanagh  
Seconded by Councillor J. Leiper

**WHEREAS** the independent consultants' report identifies opportunities to strengthen the orientation process to ensure Councillors' Assistants are aware of, and understand, their rights and to enhance training and education opportunities for Councillors' Assistants; and

**WHEREAS** while human resource needs of Members of Council are supported by the Office of the City Clerk, independent and impartial professional support should be available specifically to Councillors' Assistants to address all matters arising from their employment, including but not limited to relevant provincial statutes, by-laws, policies or procedures, in a confidential manner such that no information regarding same will be disclosed without the express written consent of the Councillors' Assistant involved; and

**WHEREAS** the HR Programs and Planning Branch of Human Resources Services does not provide direct support to the Office of the City Clerk or Members of Council, and has an overall mandate for:

- Policy development and legislative compliance;
- Learning and Development;
- Diversity and Inclusion;
- Staffing programs and Outreach; and
- Talent management, workforce and succession planning;

**THEREFORE BE IT RESOLVED** that Human Resources Services be directed to establish a point of contact within the HR Programs and Planning Branch to support Councillors' Assistants by responding in an independent, impartial and confidential manner to any inquiries arising from their employment, including but not limited to relevant provincial statutes, by-laws, policies or procedures involving employment matters, as described in this motion; and

**BE IT FURTHER RESOLVED** that the identified support person be communicated to all Councillors' Assistants by way of a memo no later than August, 2020.

CARRIED

### MOTION

Moved by Councillor C. McKenney  
Seconded Councillor K. Egli

**WHEREAS** City staff and Members of Council have expressed support to help prevent and meaningfully address violence and harassment in the workplace; and

**WHEREAS, while the Consultants' report on recruitment and hiring practices for Councillors' Assistants is a good start, it could be bolstered by concrete changes to policy to more readily address issues of sexual violence and harassment in the workplace; and**

**WHEREAS Councillors' Assistants deserve to have additional resources and protections in place to address sexual violence and harassment in the workplace, including preventative measures; and**

**WHEREAS potential Councillors' Assistants must feel safe and supported during the interview process and any subsequent complaint or review process; and**

**WHEREAS flexibility within the hiring process can still be achieved while providing some standardized requirements that will contribute to the safety and support of job applicants for Councillors' Assistant positions;**

**THEREFORE BE IT RESOLVED THAT:**

- 1. A third party from the Office of the City Clerk or Human Resources shall be present during all interviews for Councillors' Assistant positions;**
- 2. All interviews for Councillors' Assistant positions shall take place in a City facility or by electronic means;**
- 3. The Office of the City Clerk and Human Resources be directed to provide mandatory prevention messaging and information for Councillors' Assistant applicants on where to seek support and redress before, during and after the interview process;**
- 4. Human Resources, in consultation with the Women & Gender Equity Specialist and the Council Liaison for Women and Gender Equity, be directed to develop a mandatory workplace sexual violence and harassment prevention campaign for Members of Council and Councillors' Assistants, to augment the mandatory gender equity, diversity and harassment training session described in Recommendation 1(f) of the staff report;**
- 5. Staff be directed to develop and bring forward as part of the 2018-2022 Mid-term Governance Review an anonymous reporting mechanism for the filing of workplace concerns and complaints by Councillors' Assistants or job applicants for Councillors' Assistant positions, similar to that in place at OC Transpo; and**
- 6. The Office of the City Clerk and Human Resources be directed to promote an open-door culture, in a manner similar to the "no wrong door" concept, to ensure Councillors' staff and/or applicants for Councillors' Assistant positions are supported no matter how they disclose instances of harassment or violence, in a manner that ensures privacy, confidentiality, compassion and support for survivor-led decision-making as well as**

**awareness of where to seek additional support and how the matter may be addressed through relevant statutory provisions, policies and procedures.**

CARRIED with Councillors R. Brockington, G. Darouze and M. Luloff dissenting on Resolution 1 of the motion.

13. [OTTAWA WARD BOUNDARY REVIEW 2020 – OPTIONS REPORT](#)

**COMMITTEE RECOMMENDATION**

**That City Council receive this report for information.**

**MOTION**

Moved by Mayor J. Watson

Seconded by Councillor J. Harder

**BE IT RESOLVED THAT the Ward Boundary Review consultant team be requested to develop a sixth option for inclusion in the second round of public consultation, developed on the basis of the following criteria:**

- 1. Addressing, on a priority basis, the three (3) wards projected to be significantly in excess of the average ward population and outside the acceptable population variance in 2026, namely Barrhaven, Cumberland and Gloucester South Nepean;**
- 2. Giving consideration to the 2002 OMB ruling and the 1991 Supreme Court of Canada ruling, which recognized and protected rural and other communities of interest with a view to minimizing, whenever possible, the impact of significant changes to established ward boundaries and communities of interest;**
- 3. Addressing the impact of significant changes to established ward boundaries and communities of interest, particularly in the urban area as defined in the Options Report;**
- 4. Giving consideration to ensuring that geographically proximate and similar communities of interest are located within the same ward;**
- 5. Giving consideration to the June 2019 Council direction seeking to maintain the current number of wards.**

The Motion was put to Council and CARRIED on a division of 13 YEAS and 8 NAYS, as follows:

YEAS (13): Councillors M. Luloff, J. Harder, T. Kavanagh, J. Sudds,

G. Darouze, J. Cloutier, T. Tierney, E. El-Chantiry,  
C. A. Meehan, R. Brockington, A. Hubley, L. Dudas,  
Mayor J. Watson

NAYS (8): Councillors S. Moffatt, J. Leiper, G. Gower, K. Egli,  
C. McKenney, S. Menard, M. Fleury, R. King

The following motion was also put to Council and LOST:

### MOTION

Moved by Councillor S. Menard  
Seconded by Councillor R. Brockington

**BE IT RESOLVED that the Watson / Harder motion be amended by deleting criteria 5: “Giving consideration to the June 2019 Council direction seeking to maintain the current number of wards.”**

The Motion was put to Council and LOST on a division of 8 YEAS and 13 NAYS, as follows:

YEAS (8): Councillors S. Moffatt, T. Kavanagh, J. Leiper, G. Gower,  
C. McKenney, S. Menard, R. Brockington, R. King

NAYS (13): Councillors M. Luloff, J. Harder, J. Sudds, G. Darouze, J.  
Cloutier, T. Tierney, E. El-Chantiry, K. Egli, C. A. Meehan,  
M. Fleury, A. Hubley, L. Dudas, Mayor J. Watson

The following motion was also introduced and subsequently WITHDRAWN:

### MOTION

Moved by Councillor M. Fleury  
Seconded by Councillor

**WHEREAS acknowledging that the Ottawa Ward Boundaries have remained essentially the same since the Ward Boundary Review in 2005 created 23 wards; and**

**WHEREAS on June 14, 2019, the city reached a population of one million residents, representing a considerable growth since 2001 according to census data; and**

**WHEREAS population is only one of several factors to be considered in the shifting of these ward boundaries. The impact of volume of work also has a significant impact on representation; and**

**WHEREAS the boundaries have not been comprehensively reviewed in 15 years; and**

**WHEREAS we need to strive for more equal representation throughout the city; and**

**WHEREAS the Ottawa Ward Boundary Review 2020 overall's goal is to achieve effective representation which includes voter parity, natural/physical boundaries, geographic communities of interest, minority interests, ward history and capacity to represent, geographic size and shape of a ward and population growth; and**

**WHEREAS voters do not always live, work, and consume products and services in the ward in which they reside; and**

**WHEREAS residents contact City Councilors where the issue arises and is not necessarily based on the Ward of their residency; and**

**WHEREAS transient populations can create larger caseloads for Wards where the workforce and or Business districts are located; and**

**WHEREAS this review aims for balance to achieve effective representation;**

**THEREFORE BE IT RESOLVED THAT the consultants add an additional component to evaluate how the locations of businesses and employment areas impact a Councillor's workload beyond Ward residency, and that within this additional component, consultants review yearly Service Ottawa call logs to more accurately assess a Councillor's workload, therefore ability to represent; and**

**THEREFORE BE IT FURTHER RESOLVED THAT the consultants be required to look at other municipalities and cities similar data sets for the ability to properly include business owners, and workforce populations in this Review.**

WITHDRAWN

- |   |
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| <p>14. <a href="#">NATIONAL CAPITAL COMMISSION'S BUILDING LEBRETON REDEVELOPMENT – STATUS UPDATE AND PRINCIPLES OF ENGAGEMENT</a></p> |
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## **COMMITTEE RECOMMENDATIONS**

**That Council:**

- 1. Receive an update from Planning, Economic Development and Infrastructure staff on the National Capital Commission's Building LeBreton Project;**

2. **Approve the City's goals and principles of engagement for Building LeBreton, which adjust the Operating Principles previously approved in the November 2017 Report titled "City of Ottawa Participation in the National Capital Commission's Commercially Confidential Negotiations for the Redevelopment of LeBreton Flats" (ACS2017-PIE-PS-0135); and**
3. **That, in accordance with their mandates, appropriate Standing Committee be the committees to receive further updates and recommendations regarding the redevelopment at LeBreton Flats.**

CARRIED as amended by the following motion:

### MOTION

Moved by Councillor C. McKenney  
Seconded by Councillor J. Leiper

**WHEREAS the LeBreton Flats redevelopment project is a highly strategic city building project that will occur over the next thirty years;**

**WHEREAS the site is at a nexus between communities that are rapidly growing as a result of infill and the downtown;**

**WHEREAS the City has the key role in providing community services over the long term to residents of the community as it develops, as well as other residents in rapidly growing nearby communities;**

**WHEREAS the community has asked the National Capital Commission (NCC) to explore the feasibility of exploring a long-term Community Benefits Agreement to solidify what community benefits will be provided over time, and that the City has no regulatory means to compel the NCC to enter into such an agreement;**

**THEREFORE BE IT RESOLVED that Council:**

1. **Direct the General Manager of Planning, Infrastructure and Economic Development to establish an interdepartmental working group involving PIED, RCFS and CSS to prioritize the community benefits the City requires from the development of a new community that are within the City's purview under the *Planning Act* in consultation with the ward Councillor;**
2. **Direct the GM of PIED, as part of the consideration of the Planning Act application for an amendment to the secondary plan to report on how the City's priorities have been secured;**
3. **Requests the Mayor to advise the National Capital Commission that the City would like:**

- a. **Commitments on Recreational and social infrastructure to support the new community;**
  - b. **Commitments on local employment generation opportunities through future land uses, conditions on agreements with development proponents and any work directly procured by the NCC;**
  - c. **Consideration of other matters that stakeholders have identified may be best covered by a community benefits agreement or comparable arrangements to give comfort to the community that community benefits will be a priority of the project.**
4. **Request the Mayor to communicate with local federal ministers and MPs the need to provide the NCC the necessary means to realize a successful city building project including: infrastructure funding support, credit facilities or other matters that may arise in the implementation of the plan.**

CARRIED

- |   |
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| <p>15. <a href="#"><u>LONG-TERM PLAN FOR CITY-OWNED PROPERTIES ON SUNLAND DRIVE</u></a></p> |
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#### COMMITTEE RECOMMENDATIONS

That Council:

1. **Approve the demolition of 20 residential units on Sunland Drive and Orchardview Avenue, as described in this report; and,**
2. **Authorize Infrastructure Services staff to create a capital account to utilize the City's Sewer Reserve Funds to implement the long-term plan for these properties.**

CARRIED

- |  |
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| <p>16. <a href="#"><u>FEDERATION OF CANADIAN MUNICIPALITIES FUNDING FOR A BETTER HOMES LOAN PROGRAM TO SUPPORT RESIDENTIAL RETROFIT PROJECTS</u></a></p> |
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#### COMMITTEE RECOMMENDATIONS

**That Council:**

1. **Direct staff to apply to the Federation of Canadian Municipalities (FCM) Green Municipal Fund (GMF) for funding to launch the proposed Better Homes Loan Program attached as Document 1 and as summarized in this report;**
2. **Approve in principle the Better Homes Loan Program Feasibility Study and Program Design attached as Document 1 and as summarized in this report for the municipality to be eligible for the FCM funding; and**
3. **If the City is successful in its FCM funding application, direct staff to:**
  - a) **Report back to Finance and Economic Development Committee (FEDCO) and Council for approval of the final Better Homes Loan Program**
  - b) **Update the city's current Local Improvement Charge (LIC) policy to include energy efficiency, renewable energy and water conservation in alignment with municipal goals and policies in accordance with provincial legislation; and**
  - c) **Secure external financing to launch the program, as required.**

CARRIED

## PLANNING COMMITTEE REPORT 26

17. [ZONING BY-LAW AMENDMENT – 70 GLOUCESTER STREET AND 89 AND 91 NEPEAN STREET](#)

**COMMITTEE RECOMMENDATIONS AS AMENDED****That Council approve:**

1. **an amendment to Zoning By-law 2008-250 for 70 Gloucester Street and 89 and 91 Nepean Street to permit parking garage as an additional permitted use;**
2. **that Document 2 – Details of Recommended Zoning, of the**

**staff report ACS2020-PIE-PS-0050 be amended as follows:**

- A) with respect to amendment to Exception 1811 of Section 239:**
- a) **remove “A parking garage is limited to a maximum of 250 parking stalls” and replace it with “A parking garage is limited to a maximum of 125 parking stalls**
  - b) **add the text “iii) Section 111, subsections 8 to 11 does not apply to the subject property.”**
  - c) **add text “iv), notwithstanding Table 111A – Bicycle parking space rates, bicycle parking for the properties at 70 Gloucester and 89-91 Nepean shall be provided at a rate of 0.7 spaces per dwelling unit.”**
- B) with respect to amendment to Exception 1834 of Section 239:**
- a) **remove “A parking garage is limited to a maximum of 250 parking stalls” and replace it with “A parking garage is limited to a maximum of 125 parking stalls”**
  - b) **add the text “iii) Section 111, subsections 8 to 11 does not apply to the subject property.”**
  - c) **Add text “iv), notwithstanding Table 111A – Bicycle parking space rates, bicycle parking for the properties at 70 Gloucester and 89-91 Nepean shall be provided at a rate of 0.7 spaces per dwelling unit.”;**
- 3. that pursuant to subsection 34(17) of the *Planning Act*, no further notice be given.**

CARRIED

- |  |
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| <p>18. <a href="#"><u>APPLICATION FOR NEW CONSTRUCTION AT 246 GILMOUR STREET, A PROPERTY LOCATED IN THE CENTRETOWN HERITAGE CONSERVATION DISTRICT, DESIGNATED UNDER PART V OF THE ONTARIO HERITAGE ACT</u></a></p> |
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## COMMITTEE RECOMMENDATIONS

That Council:

1. approve the application to construct a new building at 246 Gilmour Street according to plans submitted by Robertson Martin Architects, dated April 16, 2020 and received on April 17, 2020; conditional upon:
  - a. the applicant providing samples of the exterior cladding materials for approval by Heritage staff prior to the issuance of a building permit;
2. delegate authority for minor design changes to the General Manager, Planning, Infrastructure and Economic Development; and
3. approve the issuance of the heritage permit with a three-year expiry date from the date of issuance unless otherwise extended by Council.

CARRIED

19. <a href="#">ZONING BY-LAW AMENDMENT – 246 GILMOUR STREET</a>
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## COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for 246 Gilmour Street to permit a six-storey apartment building, as detailed in Document 2.

CARRIED

20. <a href="#">AFFORDABLE HOUSING CAPITAL PLAN 2020</a>
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## COMMITTEE RECOMMENDATIONS

That Council approve:

1. that \$15 million in City capital funds approved by Council, in the 2020 City Budget from the Affordable Housing Reserve Fund, be allocated by the Director, Housing Services to support the creation of new affordable housing through conditional capital contributions, and contributions



3. that the Director, Housing Services be delegated the authority to amend the Ontario Priorities Housing Initiative Investment Plan and allocate any additional funds to phase-three of the project at 715 Mikinak Road in the event additional funding becomes available under the Ontario Priorities Housing Initiative due to any reallocation by the Ministry;
4. that the Director, Housing Services be delegated the authority to transfer the year 3 Ontario Priorities Housing Initiative capital funding to the operating funding envelope and update the Investment Plan accordingly;
5. that staff conduct a fair and open process to select not-for-profit partner(s) to develop a proposal for funding for an affordable housing and community use project at 1770 Heatherington Road and report back to Council in Q3 2020; and
6. that staff complete negotiations with the National Capital Commission to outline a fair and transparent process for the disposal of 615 Albert Street, consistent with the Council approved Disposal of Real Property Policy, as part of a comprehensive development strategy for the Library Parcel Lands provided that;
  - a. a requirement of the transaction shall be an obligation for the purchaser to enter into an agreement with a housing provider to develop not less than 100 affordable rental housing units on the combined City and NCC Library Parcel Lands;
  - b. the proceeds from the sale of 615 Albert Street be applied towards the development of the affordable housing units within the Library Parcel Lands;
  - c. that Ottawa Community Housing Corporation be the housing provider responsible to oversee the development and own the affordable housing units; and
  - d. that the lands are declared surplus by a separate report to Finance and Economic Development Committee and Council in Q3 2020 as described in this report.

CARRIED with Councillor M. Fleury dissenting on recommendation 4.

21. [ZONING BY-LAW AMENDMENT – 244 FOUNTAIN PLACE](#)

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 244 Fountain Place to permit a three-storey low rise apartment building with 20 dwelling units as detailed in Document 2.**

CARRIED with Councillor M. Fleury dissenting.

22. [ZONING BY-LAW AMENDMENT – 1110 FISHER AVENUE](#)

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 1110 Fisher Avenue to permit a nine-storey apartment building, as detailed in Document 2.**

The following motion was put to Council:

**MOTION**

Moved by Councillor J. Harder

Seconded by Councillor G. Gower

**WHEREAS** at the Planning Committee meeting of June 25, 2020 Committee approved the recommendations of Report ACS2020-PIE-PS-0066;

**AND WHEREAS** there is a technical amendment required to clarify that the heights and setbacks are as per the schedule that was approved at Planning Committee;

**THEREFORE BE IT RESOLVED** that Council approve the following amendments to the Report:

1. That the legend in Document 1 be revised to “Area A to be rezoned from R3A[2229] to R5B[xxxx] Sxxx”; and,
2. That Document 2 be amended by adding the following text as item 2.b., “In Column V add the text, “The maximum heights and minimum required setbacks are as per Sxxx”;

**BE IT FURTHER RESOLVED THAT** pursuant to the *Planning Act*, Subsection 34(17) no further notice be given.

CARRIED

The report recommendations were then put to Council and CARRIED on a division of 14 YEAS and 7 NAYS, as follows:

- YEAS (14): Councillors S. Moffatt, M. Luloff, J. Harder, J. Sudds, G. Darouze, J. Cloutier, T. Tierney, E. El-Chantiry, G. Gower, K. Egli, M. Fleury, A. Hubley, L. Dudas, Mayor J. Watson
- NAYS (7): Councillors T. Kavanagh, J. Leiper, C. McKenney, S. Menard, C. A. Meehan, R. Brockington, R. King,

#### PLANNING COMMITTEE REPORT 27

23. [OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT – 450 ROCHESTER STREET, 367, 369 AND 371 PRESTON STREET](#)

#### COMMITTEE RECOMMENDATIONS

That Council approve:

1. an amendment to the Official Plan, Volume 2a, Preston Carling District Secondary Plan, for 450 Rochester Street, with site specific policies, a change in land use designation, and increased building heights, as detailed in Document 2; and,
2. an amendment to the Zoning By-law 2008-250 for 450 Rochester Street, 367, 369 and 371 Preston Street to permit a mixed-use development with varying heights up to 26-storeys, through a new Mixed-Use Centre zone with site-specific provisions and building heights, as detailed in Document 3.

CARRIED

24. [ZONING BY-LAW AMENDMENT – 1 AND 9 CANFIELD ROAD AND 13, 15 AND 17 PARKMOUNT CRESCENT](#)

### COMMITTEE RECOMMENDATION

**That Council approve an amendment to Zoning By-law 2008-250 for 1 and 9 Canfield Road and 13, 15 and 17 Parkmount Crescent to permit the expansion of the institutional zone and construction of a new ancillary community centre to the existing place of worship, as detailed in Document 3.**

The report recommendation was put to Council and CARRIED on a division of 12 YEAS and 9 NAYS, as follows:

- YEAS (12): Councillors S. Moffatt, M. Luloff, J. Harder, J. Sudds, G. Darouze, J. Cloutier, T. Tierney, E. El-Chantiry, G. Gower, A. Hubley, L. Dudas, Mayor J. Watson
- NAYS (9): Councillors T. Kavanagh, J. Leiper, K. Egli, C. McKenney, S. Menard, C. A. Meehan, M. Fleury, R. Brockington, R. King,

Item K on the Bulk Consent Agenda was lifted from the Bulk Consent Agenda for consideration as part of the regular Agenda.

<p>K. <a href="#">ZONING BY-LAW AMENDMENT – 24, 26, 28 AND 30 PRETORIA AVENUE</a></p>
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### COMMITTEE RECOMMENDATION

**That Council approve an amendment to Zoning By-law 2008-250 for 24, 26, 28 and 30 Pretoria Avenue to permit a six-storey apartment dwelling, as detailed in Document 2.**

CARRIED

DIRECTION TO STAFF (Councillor S. Menard):

That staff present to Council information that outlines an estimated timeline, and the public engagement process, for the comprehensive update to zoning that is anticipated to follow the adoption of the new Official Plan. Further, that staff outline some of their expectations regarding the outcomes of this zoning update, including whether staff believe this zoning update will see a decline in staff recommendations for zoning amendments sought by developers.

**BULK CONSENT AGENDA**

## AGRICULTURE AND RURAL AFFAIRS COMMITTEE REPORT 14

A. [ZONING BY-LAW AMENDMENT – 4041 MOODIE DRIVE](#)**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 4041 Moodie Drive to permit a training facility for Ottawa Fire Services, as shown in Document 1 and 2 and detailed in Document 3.**

CARRIED

B. [ZONING BY-LAW AMENDMENT – 2730 GOODSTOWN ROAD](#)**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 2730 Goodstown Road for the purposes of rezoning the lands from Agricultural Zone, Subzone 2 (AG2) to Agricultural Zone, Subzone 6 (AG6), to prohibit residential uses on the retained farmland and to permit a reduced lot area of 1.3 hectares and a reduced lot width of 25 metres on the severed lands, as detailed in Document 2.**

CARRIED

FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE  
REPORT 15C. [APPOINTMENT TO THE WELLINGTON WEST BUSINESS IMPROVEMENT AREA](#)**COMMITTEE RECOMMENDATION**

**That Council approve the appointment of Alison Gail Finney to the Wellington West Business Improvement Area Board of**

**Management for the 2018-2022 Term of Council or until a successor is appointed during the next term of Council.**

CARRIED

- D. [DECLARE SURPLUS AND TRANSFER PARTS OF 4151 ALBION ROAD AND 4201 ALBION ROAD TO OTTAWA COMMUNITY LANDS DEVELOPMENT CORPORATION AND APPROVE THE SALE OF A PORTION OF 4151 ALBION ROAD IN EXCHANGE FOR LANDS REQUIRED FOR THE FUTURE LEITRIM ROAD REALIGNMENT](#)

### **COMMITTEE RECOMMENDATIONS**

**That Council approve of the following:**

- 1. Declare the viable properties municipally known as part of 4151 Albion Road (which includes Parcel 1) and part of 4201 Albion Road described as part of Lot 17, Concession 4 (Rideau Front) geographic Township of Gloucester, now in the City of Ottawa being part of PINS 04328-0205 and 04328-1826 and shown in heavy outline on Document 1 attached, as surplus to City requirements;**
- 2. Authorize the transfer of the properties identified in Recommendation 1 above, to Ottawa Community Lands Development Corporation (OCLDC) for future development and/or disposal;**
- 3. Waive Section 1(d) of the OCLDC Disposal of Real Property Policy pertaining to public marketing of property with respect to the land identified in Recommendation 4 (a), below; and**
- 4. Direct OCLDC to complete the land exchange with Tartan Homes (North Leitrim) Inc., Tartan Land (North Leitrim) Inc. and Findlay Creek Properties (North) Ltd. as follows:**
  - (a) OCLDC to convey a portion of 4151 Albion Road, described as part of Lot 17, Concession 4, Rideau Front, geographic Township of Gloucester now in the City of Ottawa, containing approximately 47,414.7 metres squared (4.74 hectares), subject to final survey, and shown as Parcel 1 on Document 1 attached, subject to easements that may be required to Tartan Homes (North Leitrim) Inc., Tartan Land (North Leitrim) Inc. and Findlay Creek Properties (North) Ltd., having a value of four million, nine**

hundred and seventy-nine thousand, three hundred dollars (\$4,979,300.00), in exchange for;

- (b) Tartan Homes (North Leitrim) Inc., Tartan Land (North Leitrim) Inc. and Findlay Creek Properties (North) Ltd. conveying to the City of Ottawa, lands required for the future realignment of Leitrim Road, described as part of Lot 16, Concession 4, Rideau Front, geographic Township of Gloucester, now in the City of Ottawa having an area of approximately 2,1072.5 metres squared (2.11 hectares), subject to final survey and shown as Parcel 2 on Document 1, attached, having a market value of one million, seven hundred and fifty-seven thousand, three hundred and sixty dollars (\$1,757,360.00), together with a cash payment to OCLDC in the amount of three million, two hundred and twenty-one thousand, nine hundred and forty dollars (\$3,221,940.00), plus HST as applicable, pursuant to a land exchange agreement that has been received.

CARRIED

<p>E. <a href="#">BROWNFIELDS GRANT PROGRAM APPLICATION – 155 – 165 CHAPEL STREET</a></p>
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## COMMITTEE RECOMMENDATIONS

That Council:

1. Approve the Rehabilitation Grant and Development Charge Reduction Program application submitted by Trinity Rideau GP Inc., owner of the property at 155 - 165 Chapel Street, for a grant, under the 2010 Brownfield Redevelopment Community Improvement Plan Program, not to exceed \$2,040,999 over a maximum of 10 years, subject to the establishment of, and in accordance with, the terms and conditions of the Brownfields Redevelopment Grant Agreement;
2. Delegate the authority to the General Manager, Planning, Infrastructure and Economic Development Department, to execute a Brownfields Redevelopment Grant Agreement with Trinity Rideau GP Inc., establishing the terms and conditions governing the payment of the grant for the

redevelopment of 155 - 165 Chapel Street, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, the City Solicitor and the City Treasurer; and

3. Exempt the proposed redevelopment of 155 - 165 Chapel Street from paying future municipal development charges up to a maximum of \$1,516,250 under Section 7(t) of the Development Charges By-law 2014-229, under the Guideline for the Development Charge Reduction due to Site Contamination Program, approved by Council June 11, 2014, and included in the \$2,040,999 grant request, as outlined in Recommendation 1.

CARRIED

F. <a href="#">BROWNFIELD GRANT PROGRAM APPLICATION – 440-444 BRONSON</a>
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## COMMITTEE RECOMMENDATIONS

That Council:

1. Approve the Brownfield Rehabilitation Grant application submitted by 444 Bronson Development Inc., owner of the properties at 440 and 444 Bronson Avenue, for a Rehabilitation Grant under the Brownfield Redevelopment Community Improvement Plan Program not to exceed a total of \$128,812 for which the grant payment period will be phased over a maximum of 10 years of development, subject to the establishment of, and in accordance with, the terms and conditions of the Brownfield Redevelopment Grant Agreement; and
2. Delegate the authority to the General Manager, Planning, Infrastructure and Economic Development, to execute a Brownfield Redevelopment Grant Agreement with 444 Bronson Development Inc., establishing the terms and conditions governing the payment of the grant for the redevelopment of 440 and 444 Bronson Avenue, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, the City Solicitor and the City Treasurer.

CARRIED

G. [BROWNFIELD GRANT PROGRAM APPLICATION – 1445 AND 1451 WELLINGTON STREET WEST](#)

### COMMITTEE RECOMMENDATIONS

#### That Council:

1. **Approve the Brownfield Rehabilitation Grant application submitted by Mizrahi Development Group (1451 Wellington) Inc., owner of the property at 1445 and 1451 Wellington Street, for a Rehabilitation Grant under the Brownfield Redevelopment Community Improvement Plan Program not to exceed a total of \$2,040,999 for which the grant payment period will be phased over a maximum of 10 years of development, subject to the establishment of, and in accordance with, the terms and conditions of the Brownfield Redevelopment Grant Agreement;**
2. **Exempt the proposed redevelopment of 1445 and 1451 Wellington Street from paying future municipal development charges up to a maximum of \$1,516,250 under Section 7 (1) (s) of the Development Charges By law 2019 280, under the Guideline for the Development Charge Reduction due to Site Contamination Program, is outlined in Recommendation 1; and**
3. **Delegate the authority to the General Manager, Planning, Infrastructure and Economic Development, to execute a Brownfields Redevelopment Grant Agreement with Mizrahi Development Group (1451 Wellington) Inc., establishing the terms and conditions governing the payment of the grant for the redevelopment of 1445 and 1451 Wellington Street, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, the City Solicitor and the City Treasurer.**

CARRIED

#### PLANNING COMMITTEE REPORT 26

H. [ZONING BY-LAW AMENDMENT – 3232 JOCKVALE ROAD, PART OF 139 NAMASTE WALK, PART OF 721 CASHMERE TERRACE](#)

[AND PART OF 630 HAMSA STREET](#)

**COMMITTEE RECOMMENDATIONS**

**That Council approve:**

1. an amendment to Zoning By-law 2008-250 for 3232 Jockvale Road to rezone the lands from Development Reserve (DR) to Residential Third Density, Subzone YY, (R3YY[2145], R3YY[xxxx]), R3YY[xxx1]), and Open Space (O1), to permit single detached, townhouse, rear-lane townhouse units and parkland, as shown in Document 2 and detailed in Document 3;
2. an amendment to Zoning By-law 2008-250 for Part of 139 Namaste Walk, Part of 721 Cashmere Terrace, and Part of 630 Hamsa Street from Residential Third Density, Subzone YY, Exception 2145 (R3YY[2145]) to Residential Third Density, Subzone YY, Exception (R3YY[xxxx], to reflect adjusted lot lines on the draft plan of subdivision, as shown in Document 2 and detailed in Document 3.

CARRIED

- |   |
|---|
| I. <u><a href="#">ZONING BY-LAW AMENDMENT AND OFFICIAL PLAN AMENDMENT – 4149 STRANDHERD DRIVE</a></u> |
|---|

**COMMITTEE RECOMMENDATIONS**

**That Council approve:**

1. an amendment to the South Nepean Secondary Plan Areas 9 and 10 (Volume 2A), to re-designate Part of 4149 Strandherd Drive from 'Prestige Business Park' to 'Business Park', to permit an automobile dealership and increase permitted height from four storeys to six storeys, as shown in Document 2;
2. an amendment to Zoning By-law 2008-250 for Part of 4149 Strandherd Drive to rezone the southeastern portion of the property from Business Park, Exception zone 2298 (IP[2298]H(18)), to Business Park, Exception zone xxxx

(IP[xxxx]H(18)), to permit an automobile dealership and automobile rental establishment, as shown in Document 3 and detailed in Document 4;

3. an amendment to the Zoning B-law 2008-250 for Part of 4149 Strandherd Drive to rezone the remaining part of the property from Business Park, Exception zone 2298 (IP[2298]H(18)) to Business Park, Exception zone xxx1 (IP[xxx1]H(22)), to increase the permitted height from four to six storeys, as shown in Document 3 and detailed in Document 4.

CARRIED

<p>J. <a href="#">SITE PLAN CONTROL APPROVAL, 900 ALBERT STREET AND 1035 SOMERSET STREET WEST</a></p>
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#### COMMITTEE RECOMMENDATION

That Council approve an application for Site Plan Control for 900 Albert Street and roadway modifications to permit the development of a mixed-used building consisting of three towers, as detailed in Document 2.

CARRIED

#### PLANNING COMMITTEE REPORT 27

<p>L. <a href="#">FRONT-ENDING REPORT – OVERSIZING OF THE ROAD AND SEWER ON CAMBRIAN ROAD FROM OLD GREENBANK ROAD TO NEW GREENBANK ROAD ALIGNMENT</a></p>
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#### COMMITTEE RECOMMENDATIONS

That Council:

1. delegate authority to the General Manager, Planning, Infrastructure and Economic Development Department, to enter into a Front-Ending Agreement with Mattamy Limited for the oversizing of the road and sewer on Cambrian Road, from Old Greenbank Road to New Greenbank Road

**Alignment as outlined in this report, to an upset limit of \$3,293,042 plus applicable taxes and indexing, in accordance with the Front-Ending Agreement Principles and Policy set forth in Documents 1 and 2 and with the final form and content being to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department and City Solicitor;**

2. **authorize the reimbursement of the oversizing of the road and sewer costs incurred by Mattamy Limited pursuant to the execution of the Front-Ending Agreement, to a maximum amount of \$3,293,042 plus applicable taxes and indexing, in accordance with the reimbursement schedule set out in the Front-Ending Agreement; and**
3. **authorize the creation of a budget for the design and construction work required per the Front-Ending agreement.**

CARRIED

M. <a href="#"><u>OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS – 1178 CUMMINGS AVENUE AND 1098 OGILVIE ROAD</u></a>
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## COMMITTEE RECOMMENDATIONS

That Council approve:

1. **an amendment to the Cyrville Secondary Plan, Schedule C, to increase the maximum allowable building height of 20 storeys to permit building heights of 25, 27 and 36 storeys at 1178 Cummings Avenue and 1098 Ogilvie Road, as detailed in Document 2;**
2. **an amendment to Zoning By-law 2008-250 for 1178 Cummings Avenue and 1098 Ogilvie Road to permit three high-rise apartment buildings of varying heights and an eight-storey hotel, as detailed in Documents 3 and 4;**
3. **that the implementing Zoning By-law not proceed to Council until such time as the agreement required in accordance with Section 37 of the *Planning Act* is executed.**

CARRIED

N. <a href="#"><u>ZONING BY-LAW AMENDMENT – 5 ORCHARD DRIVE</u></a>
---

**COMMITTEE RECOMMENDATION**

That Council approve an amendment to Zoning By-law 2008-250 for 5 Orchard Drive to permit a mixed-use subdivision consisting of detached, townhouse and semi-detached dwellings and a commercial block, as detailed in Document 2.

CARRIED

O. [ZONING BY-LAW AMENDMENT – 35 Highbury Park Drive](#)

**COMMITTEE RECOMMENDATION**

That Council approve an amendment to Zoning By-law 2008-250 for 35 Highbury Park Drive to permit a restaurant as an ancillary use, as detailed in Document 2.

CARRIED

P. [ZONING BY-LAW AMENDMENT – 6758 AND 6766 Rocque Street](#)

**COMMITTEE RECOMMENDATION**

That Council approve an amendment to Zoning By-law 2008-250 for 6758 and 6766 Rocque Street to permit two, three-storey apartment buildings, as detailed in Document 2.

CARRIED

CITY CLERK

Q. [SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR ITEMS SUBJECT TO THE \*PLANNING ACT\* 'EXPLANATION REQUIREMENTS' AT THE CITY COUNCIL MEETING OF JUNE 24, 2020](#)

**REPORT RECOMMENDATION**

**That Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of June 24, 2020 that are subject to the ‘Explanation Requirements’ being the *Planning Act*, subsections 17(23.1), 22(6.7), 34(10.10) and 34(18.1), as applicable, as described in this report and attached as Documents 1 and 2.**

CARRIED

-  
-

IN-CAMERA ITEMS

O-TRAIN CONFEDERATION LINE LRT STAGE 1 – LEGAL UPDATE –  
IN CAMERA – REPORTING OUT DATE: NOT TO BE REPORTED OUT

**MOTION**

Moved by Councillor L. Dudas  
Seconded by Councillor E. El-Chantiry

**That, in accordance with the *Procedure By-Law*, being By-law No. 2019-8, City Council resolve *In Camera* pursuant to Subsections 13 (1)(e), litigation or potential litigation affecting the City, and 13(1)(f), the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, to receive and consider the O-Train Confederation Line LRT Stage 1 Legal Update *In Camera* - Reporting out Date: Not to be reported out.**

CARRIED

This item was dealt with *In Camera* pursuant to Procedure By-law (By-law No. 2019-8), Subsection 13(1)(e), litigation or potential litigation affecting the City, and Subsection 13(1)(f), the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Upon resuming in open session, Mayor Watson stated that no votes were taken other than procedural motions and/or directions to staff.

*Note: As the content of the In Camera update regarding the O-Train Confederation Line LRT Stage 1 contains information pertaining to the legal aspects of the subject matter, the material falls within the exception contemplated by subsection 13(1)(f) of City Council’s Procedure By-Law. As such, this matter will not be reported out.*

**MOTIONS OF WHICH NOTICE HAS BEEN PREVIOUSLY GIVEN**

**MOTION**

Moved by Councillor M. Fleury  
Seconded by Mayor J. Watson

**WHEREAS** as the regulator for private cannabis retail in Ontario, the Alcohol and Gaming Commission of Ontario (AGCO) has the authority to license, regulate and enforce the sale of recreational cannabis in privately run stores in Ontario; and

**WHEREAS** on December 13th, 2018, Council agreed to "opt-in" to the Provincial direction to allow Cannabis Retail to occur in the City of Ottawa, subject to a process whereby staff review the locations under consideration and provide comments back to AGCO on "key Principle" matters Council considers to be in the public interest; and

**WHEREAS** Council considers a matter of public interest to include a 150 metre distance separation from other Licensed Cannabis Stores, as the Board of Health has noted concerns that excessive clustering and geographic concentration of cannabis retail outlets may encourage undesirable health outcomes, and Economic Development and Planning are concerned that over-concentration may cause undesirable impacts on the economic diversity of a retail streetscape including the distortion of lease rates, economic speculation, and the removal of opportunity for other commercial businesses; and

**WHEREAS** the city has received concerns from local Business Improvement Associations about impacts of over concentration of cannabis retail on the diversity of businesses locating in key retail areas and impacts on leasing rates; and

**WHEREAS** the AGCO has not, in the consideration of applications processed and approved to date, considered the key principles articulated by Council, including the concerns over the clustering of cannabis retail, as meeting their criteria as a matter of public interest; and

**WHEREAS** cannabis retail is a new and unproven market, and no studies or precedent exists to determine the number or distribution of stores that can reasonably be supported by the local economy, and it is therefore prudent to establish the means by which the AGCO, with input from a municipality, can regulate over-concentration as the cannabis retail market evolves;

**THEREFORE BE IT RESOLVED** that Council direct the Mayor, on behalf of City Council, to write the Honourable Rod Phillips, Minister of Finance of Ontario, and the Honourable Doug Downey, Attorney General of Ontario, requesting the Ministry modify the regulations governing the establishment of cannabis retail stores to instruct the Alcohol and Gaming Commission to consider over-concentration (such as a separation distance of 150 metres) as an evaluation criteria, and provide added weight to the comments of a municipality concerning matters in the public interest when considering the application of new stores.

CARRIED

**MOTION**

Moved by Councillor J. Harder  
Seconded by Councillor E. El-Chantiry

**WHEREAS Council meetings are typically recessed between mid-July and end of August; and**

**WHEREAS in many instances the ability to convey title in new homes requires the lifting of part lot control; and**

**WHEREAS in order to be able to register a part lot control by-law, the legal description, including the subdivision plan number must be contained within the by-law; and**

**WHEREAS there may closings relating to a registered plan of subdivision that will not be able to proceed if a part lot control exemption by-law is not enacted; and**

**WHEREAS the *Municipal Act*, sections 9, 10, 11 and 23.1 permit the City to delegate the power to enact certain by-laws;**

**THEREFORE BE IT RESOLVED that Council approves the following:**

**Between July 15, 2020 and August 31, 2020, inclusive, Council delegates to the Director of Planning Services of the Planning, Infrastructure and Economic Development Department, the authority to enact by-laws for the exemption from Part Lot Control pursuant to the *Planning Act*, section 50 in respect of the land for which a part lot control exemption is sought. Such authority shall be dependent upon the Director having received the concurrence of the Ward Councillor prior to enactment.**

CARRIED

#### MOTION

Moved by Councillor L. Dudas  
Seconded by Councillor M. Luloff

**WHEREAS pursuant to Subsection 28(4) of the Planning Act, R.S.O. 1990. C. P.13, City Council may, where it has passed a by-law designating the whole or any part of an area covered by an Official Plan as a community improvement project area, adopt a plan as a community improvement plan for the community improvement project area; and**

**WHEREAS Section 5.2.5 of the City of Ottawa Official Plan contemplates the preparation of Community Improvement Plans for designated Community Improvement Project Areas;**

**WHEREAS on November 14, 2012 City Council approved the “Economic Development and Innovation Department Work Program”, which included a strategy to develop an Orléans Community Improvement Plan (the “Orléans CIP”) as one of two pilots; and**

**WHEREAS on September 11, 2013 City Council enacted By-law 2013-293 to adopt the Orléans CIP; and**

**WHEREAS** Section 5.3 of the Orléans CIP indicated that a Tax Incentive Equivalent Grant program would be offered for an initial period of five years, ending 10 September 2018, with an option to extend the program for up to another five years, subject to the availability of funding as approved by City Council; and

**WHEREAS** the principal goal of the Orléans Community Improvement Plan is to attract major knowledge-based employers to the area and to encourage the creation of new high-quality jobs; and

**WHEREAS** construction of Stage 2 of the Confederation Line is already underway with the east extension from Blair Station to Trim Road scheduled to be finished in 2022 and whereas higher densities near stations and the expected increase in transit ridership would provide new opportunities for private investment in property revitalization in Orléans with associated employment increases as envisioned in the Orléans CIP; and

**WHEREAS** the Ward Councillors and staff continue to receive expressions of interest in extending the Orléans CIP grant program;

**THEREFORE, BE IT RESOLVED** that Council approve that the duration of the Tax Incentive Equivalent Grant program available pursuant to the Orléans CIP be extended from 11 September 2018 until 10 September 2023, inclusive.

CARRIED

### MOTION

Moved by Mayor J. Watson

Seconded by Councillor K. Egli

**WHEREAS COVID-19** is expected to be a risk to the community for some period of time; and

**WHEREAS** the use of non-medical masks is “recommended for periods of time when it is not possible to consistently maintain a 2-metre physical distance from others, particularly in crowded public settings, such as: stores, shopping areas, [and] public transportation”, as noted on the federal government’s COVID-19 Prevention and Risks website and also on the Ontario government’s COVID-19 website; and

**WHEREAS** it is in everyone’s best interest that as many barriers as possible be removed to make public access to non-medical masks easier, because these masks are needed in more and more environments as the economy opens up; and

**WHEREAS** the federal and provincial governments can almost immediately lower the cost of these masks by 13% by eliminating the Harmonized Sales Tax (HST) on these newly-essential items;

**THEREFORE BE IT RESOLVED** that City Council request the Mayor write to the federal and provincial governments to ask that the Harmonized Sales Tax be eliminated for non-medical masks as soon as possible.

CARRIED

**MOTION**

Moved by Councillor S. Menard  
Seconded by Councillor J. Leiper

**WHEREAS the City of Ottawa—along with Ontario, Canada and the world—are currently experiencing the COVID-19 pandemic; and**

**WHEREAS this pandemic has witnessed all orders of government put in place emergency measures and guidelines in order to improve the health outcomes of as many residents as possible; and**

**WHEREAS the city, the province and the country are seeking cooperation from residents to adjust their habits, activities and lifestyles to align with the guidelines relating to physical distancing; and**

**WHEREAS the Federation of Canadian Municipalities has released a report conducted by The Urban Project outlining the need for municipalities to develop transportation plans tailored to the recovery from COVID-19 and to developing a resilient transportation system in the future, noting:**

**The COVID-19 outbreak has changed mobility patterns, and the way people travel may continue beyond. Many cities are using the current situation to re-think how their communities are planned and designed to ensure they are more resilient to respond to similar crises over the long-term.**

**WHEREAS the Ottawa Board of Health has unanimously passed a motion supporting the City of Ottawa to increase the amount of safe active transportation space outdoors for residents, including when accessing essential services, to improve their physical and mental health while still adhering to all municipal and federal guidelines related to physical distancing; and**

**WHEREAS city traffic services reports that traffic volumes have decreased on the City's road network while traffic speed infractions have increased; and**

**WHEREAS OPH has consistently recognized the need for residents to access essential services and has encouraged residents to go outside for their physical and mental health; and**

**WHEREAS the 2019 report from City of Ottawa, Planning, Infrastructure, and Economic Development, titled The Building Blocks for a Healthy Ottawa, emphasizes the connection between active transportation infrastructure and mental and physical well-being; and**

**WHEREAS it is possible to implement low cost temporary traffic measures on certain corridors to provide additional space on the right of way for active transportation thereby connecting existing facilities;**

**THEREFORE, BE IT RESOLVED THAT staff within the Transportation Services Department develop and implement a plan (ActiveOttawa) this summer for a cost effective greater active transportation network connectivity, expanded road**

**space for active transportation and safety enhancing measures which reduce speed, recognizing the needs of residents during the Covid-19 pandemic.**

Mayor Watson ruled that the Menard / Fleury Motion above out of order.

Councillor Leiper appealed the Mayor's ruling pursuant to Subsection 44(2)(d) of the *Procedure By-law*, and Council immediately voted on the following question:

### **MOTION**

**Shall the Mayor be sustained.**

CARRIED on a division of 14 YEAS and 7 NAYS as follows:

YEAS (14): Councillors S. Moffatt, M. Luloff, J. Harder, J. Sudds, G. Darouze, J. Cloutier, T. Tierney, E. El-Chantiry, G. Gower, K. Egli, C. A. Meehan, A. Hubley, L. Dudas, Mayor J. Watson

NAYS (7): Councillors T. Kavanagh, J. Leiper, C. McKenney, S. Menard, M. Fleury, R. Brockington, R. King

### **MOTIONS REQUIRING SUSPENSION OF THE RULES OF PROCEDURE**

#### **MOTION**

Moved by Councillor T. Kavanagh

Seconded by Councillor R. Brockington

***That the Rules of Procedure be suspended to consider the following Motion, as the next City Council meeting is not until August 26, 2020.***

**WHEREAS, the World Health Organization (WHO) declared the COVID-19 outbreak a public health emergency of international concern on January 30, 2020; and**

**WHEREAS, the Province of Ontario declared a State of Emergency on March 17, 2020, closing all public spaces, including child care centres; and**

**WHEREAS, childcare centres have been permitted to re-open in a slow, and methodical approach; and**

**WHEREAS the economic recovery of Ottawa and Ontario depends on families having access to affordable child care, including before and after-school care; and**

**WHEREAS women are more likely to be disproportionately excluded from the workforce when childcare services are inaccessible (Statistics Canada, 2017);**

and

**WHEREAS** the capacity of child care programs has been limited by the smaller group sizes that prevent the spread of COVID-19; and

**WHEREAS:** before the emergency measures, there was only capacity in licensed child care for one in three children in Ottawa; and

**WHEREAS** an investment in child care is a proven support to our economic recovery, particularly women's return to the workforce (Fortin, 2017); and

**WHEREAS** Ottawa City Council increased access to affordable, quality and responsive childcare services a priority in the Thriving Communities 2019-2022 Term of Council Priorities; and

**WHEREAS** the Provincial, Federal and Municipal governments each have a role in funding and delivering child care.

**THEREFORE BE IT RESOLVED** that Ottawa City Council request the Government of Ontario prioritize children as part of the overall recovery plan and develop and release publicly a comprehensive plan to ensure a safe, full capacity return in the fall to licensed children and Early ON services to assist the wellbeing of children and families and to help with the economic recovery. This comprehensive plan needs to be communicated with sufficient time for providers to implement and to better support families for the fall; and

**BE IT FURTHER REOLVED** that City Council request the Government of Ontario provide clarity to municipalities on the total provincial allocation in order fully utilize supports for families and providers and to not create undue municipal pressures and continue to provide stable and ongoing provincial funding for licensed child care centres / home providers, and EarlyON providers for the duration of the COVID-19 pandemic to ensure these providers can continue to support families with increased health and safety measures while avoiding any cost increases for families; and

**BE IT FURTHER RESOLVED** that City Council request the Government of Ontario and the Government of Canada to develop a National Child Care Strategy to make child care more accessible for all families, which is essential to economic recovery.

CARRIED

## MOTION

Moved by Councillor Harder

Seconded by Councillor El-Chantiry

***WHEREAS the City of Ottawa is required to have a Chief Building Official and the current incumbent has announced his intention to retire next month;***

***BE IT RESOLVED THAT the Rules of Procedure be suspended to permit the introduction of the following motion:***

**WHEREAS** the City's current Chief Building Official, Frank Bidin, has announced his intention to retire effective Friday, August 28th, 2020, after having worked for local municipalities for 38 years; and

**WHEREAS** due to the current COVID-19 global pandemic, City Council is unable to meet in person to recognize the long-standing public service of Mr. Bidin to the City of Ottawa as well as the former City of Nepean, with particular recognition of the exceptional work undertaken by the Building Code Services team for Ottawa residents during the various natural disasters including flooding and tornadoes;

**THEREFORE BE IT RESOLVED THAT** that, on behalf of Ottawa City Council, Mayor Watson convey their congratulations and appreciation to the outgoing Chief Building Official, Mr. Frank Bidin, and extend Council's best wishes on his retirement; and

**BE IT FURTHER RESOLVED** that John Buck be appointed, effective Monday, August 17, 2020, as Acting Chief Building Official for the City of Ottawa and that a by-law to give effect to this appointment be enacted; and

**BE IT FURTHER RESOLVED** that By-law 2015-6 be repealed effective August 28, 2020.

CARRIED

#### MOTION

Moved by Mayor Watson  
Seconded by Councillor J. Leiper

***BE IT RESOLVED THAT the Rules of Procedure be suspended due to timelines, in order to ensure the commemorative naming coincides with the official opening, to consider the following Motion:***

**WHEREAS** on July 24, 2002, City Council approved, as amended, the Commemorative Naming Policy; and

**WHEREAS** in keeping with its powers set out in the *Municipal Act, 2001*, Council may assign a commemorative name by resolution, notwithstanding the provisions included in the Commemorative Naming Policy; and

**WHEREAS** the City has been asked to rename the Harmer Pedestrian Bridge, connecting Harmer Avenue North and Harmer Avenue South, the "Jackie Holzman Bridge"; and

**WHEREAS** Mrs. Holzman is a passionate accessibility advocate, continuously devoting her efforts to improving the livelihood of persons with disabilities; and

**WHEREAS** As the first Jewish woman to become Mayor of Ottawa, and the third woman to become Mayor of Ottawa, Mrs. Holzman shows a good example for young women and the importance of a diverse community; and

**WHEREAS** Mrs. Holzman worked tirelessly during her time at City Hall to bridge differences between communities and to unite residents around important issues; and

**AND WHEREAS** this proposal has been through the usual commemorative naming process insofar as Commemorative Naming Committee review and public consultation and the public feedback received during the public consultation phase was largely in support of the proposal; and

**AND WHEREAS** having this proposal go through the normal Standing Committee and Council process would result in Council's approval being finalized too late for the commemorative naming to be ready in time for the official opening;

**THEREFORE BE IT RESOLVED** that the Harmer Pedestrian Bridge, connecting Harmer Avenue North and Harmer Avenue South, be named the "Jackie Holzman Bridge".

CARRIED

#### MOTION

Moved by Councillor Harder

Seconded by Councillor Tierney

***That the Rules of Procedure be suspended to consider the following motion, as the next City Council meeting is not until August 26, 2020.***

**WHEREAS** on July 24, 2002, City Council approved, as amended, the Commemorative Naming Policy; and

**WHEREAS** on February 13, 2013, during consideration of the Mid-Term Governance Review Report, Council approved an amendment to the *Commemorative Naming Policy* directing that "in memoriam" naming proposals be referred to the City programs designed for that purpose (Memorial Tree Program, Memorial Park Bench Program, etc.) and as a result, this naming proposal does not fit within the Policy criteria; and

**WHEREAS** in keeping with its powers set out in the *Municipal Act, 2001*, Council may assign a commemorative name by resolution, notwithstanding the provisions included in the Commemorative Naming Policy; and

**WHEREAS** the City has been asked to name the skatepark at Berrigan Park, in Ward 3 (Barrhaven), located at 51 Berrigan Drive, in honour of Mike Racicot; and

**WHEREAS** Mike Racicot, known as Treehouse Mike, grew up in Barrhaven, where he first developed his love and passion for skateboarding at age 9; and

**WHEREAS** in his teen years, Mike became a strong advocate for a skatepark in Barrhaven and worked to gain the support of residents and business owners and successfully petitioned the City to build a skatepark in Barrhaven; and

**WHEREAS** Mike's passion for skateboarding led him to discover BASE jumping and he subsequently became known worldwide in the BASE community as one of the best wingsuit pilots; and

**WHEREAS** Mike, remembered for his willingness to always help others and his adventurous spirit, passed away prematurely in July 2018 on his 969<sup>th</sup> career BASE jump when his parachute failed to open during a jump in Switzerland;

**THEREFORE BE IT RESOLVED** that the skatepark at Berrigan Park, located at 51 Berrigan Drive, be named the “Treehouse Mike Skatepark”.

CARRIED

### **MOTION**

Moved by Councillor Brockington  
Seconded by Councillor Tierney

*That the Rules of Procedure be suspended to consider the following motion in order to allow the campaign to proceed over the summer, as the next Council meeting is not until August 26, 2020.*

**WHEREAS** schools in Ontario have been closed since March 13, 2020 as a result of the COVID-19 pandemic; and

**WHEREAS** as part of the re-opening plan, the Province of Ontario is considering a number of options for the schools including partial in-school instruction to full-week (5-day) instruction; and

**WHEREAS** it is expected that fewer parents will allow their children to take yellow school bus transportation, due to physical distancing concerns and there will be a greater reliance on both active transportation and private vehicle transportation to and from school; and

**WHEREAS**, a number of safety issues already exist in school zones, related to the interactions of private vehicles and pedestrians, cyclists and arriving yellow school buses; and

**WHEREAS**, there are many benefits to active transportation, including, but not limited to personal health, no greenhouse gas emissions and a reduction in congestion in schools zones; and

**WHEREAS**, the 2020 City of Ottawa Budget provided funding for 10 new warranted crossing guards to be in place in September 2020, however, the closure of schools did not provide the ability to undertake data collection at the 64 requested locations in the Spring 2020; and

**WHEREAS, subject to schools being reopened in September 2020, Traffic Services will undertake data collection and review of warrants for an Adult Crossing Guard at the 64 requested locations beginning on September 14, 2020;**

**THEREFORE, BE IT RESOLVED that the City of Ottawa embark on a one-month public service campaign, promoting active transportation, to and from school, starting in mid-August 2020; and**

**BE IT FURTHER RESOLVED that all street and line painting in school zones (crosswalk and traffic calming messaging), be re-prioritized to ensure all work is completed no later than 21 August 2020; and**

**BE IT FURTHER RESOLVED that Traffic Services put in place crossing guards at 10 warranted locations as soon as a feasibly possible in the Fall of 2020 and report back to Council on the warranted locations once review has been completed and locations identified; and**

**BE IT FURTHER RESOLVED that Ottawa Bylaw and Regulatory Services maintain its school zone enforcement from late August to early September 2020 to ensure public safety in school zones.**

CARRIED

### MOTION

Moved by Councillor E. El-Chantiry

Seconded by Councillor J. Harder

***That the Rules of Procedure be suspended to consider the following motion so that work can be planned in a timely fashion.***

**WHEREAS there are four roads in Constance Bay - Holiday Drive, Shady Lane, Resthaven and Hunter Crescent, that have seen an increasing number and severity of potholes over the last several years; and**

**WHEREAS the current patch method is failing on these roads more rapidly than they can be repaired, and that costs for patch repairs are accruing at a rapid rate; and**

**WHEREAS the asset management branch has provided cost estimates to fix these roads; and**

**WHEREAS the funds to repair these roads are not currently in the 5-year forecast; and**

**WHEREAS the Ward Councillor feels that these roads need to be repaired in the near future.**

**THEREFORE BE IT RESOLVED that Council approve:**

1. **\$400, 000 be moved from 830294 Ward 5 CIL to 903916 Community Building Rural West**
2. **\$400, 000 be moved from account 903916 to 909693 2020 Road Resurfacing**
3. **That the stipulated 10% planner fee per CILP policy be waived for this transaction.**

CARRIED

### MOTION

Moved by Councillor J. Harder

Seconded by Councillor E. El-Chantiry

***BE IT RESOLVED that Council suspend the Rules of Procedure to permit the introduction of the following motion, in order to respond in a timely manner to support the school boards as they deal with restrictions imposed to address the COVID-19 pandemic:***

**WHEREAS the COVID-19 pandemic continues to evolve and is causing significant effects across the world and locally in Ottawa; and**

**WHEREAS on March 17, 2020, an emergency related to the COVID-19 outbreak was declared in the whole of the Province of Ontario, pursuant to Section 7.0.1 of the *Emergency Management and Civil Protection Act*, as set out in Order in Council 518/2020; and**

**WHEREAS school boards have been directed to come up with multiple options for the return to school; and**

**WHEREAS schools may need to temporarily expand in temporary spaces on existing school sites and possibly other leased spaces; and**

**WHEREAS the City's Zoning By-law 2008-250 regulates the location of and development standards applicable to schools; and**

**WHEREAS the City of Ottawa can support the safe return of students to school by providing greater flexibility for temporarily expanding school facilities within and onto lands in a manner prohibited by the current Zoning By-law 2008-250; and**

**THEREFORE BE IT RESOLVED that Council:**

- i. **Direct staff in Planning, Infrastructure and Economic Development to initiate a Temporary Zoning By-law Amendment to amend the provisions pertaining to schools for the period commencing on the date of enactment and ending July 1, 2021, so as to permit schools in any Residential, Mixed-use/Commercial, Institutional or Open Space**

and Leisure Zone, as well as selected Rural zones, notwithstanding any yard requirements, lot size requirements or parking requirements under the Zoning By-law; and,

- ii. **Direct that the report concerning the above-described Temporary Zoning By-law Amendment shall, notwithstanding the ordinary procedure, be brought to the first possible meeting of Planning Committee after which it shall rise directly to Council without the need to proceed to Agricultural and Rural Affairs Committee (“ARAC”), though members of ARAC shall be welcome to attend at the said meeting of Planning Committee; and**
- iii. **Notwithstanding the City’s Public Notice and Consultation Policy, direct that the usual comment period following public notification may be abridged as necessary to ensure all comments are received prior to the first possible meeting of Planning Committee; and,**
- iv. **During the period commencing July 15, 2020 and ending December 31, 2020, unless extended by Council, authorize the General Manager, Planning, Infrastructure and Economic Development to, with respect to development of schools in response to the COVID-19 emergency:**
  - a. **Issue site plan approvals without ward councillor concurrence, provided that the ward councillor was consulted where possible, and provided all other aspects of the Delegated Authority By-law 2019-280 are met; and**
  - b. **Approve a Letter of Undertaking as an alternative to a site plan control agreement notwithstanding that the usual requirements of s. 11 of the Site Plan Control by-law 2014-256 as amended are not met for such development, or, if a site plan control agreement is required in the opinion of the General Manager, waive inclusion of standard clauses in site plan agreements and related agreements for such development to simplify the negotiation and execution of such agreements; and,**
  - c. **Waive the usual requirement for securities in such Letters of Undertaking and/or agreements, in his/her discretion; and**
- v. **Approve that the Mayor write to the Province to request that the Province urgently enact a regulation, similar to that passed for temporary restaurant patios, allowing the City to enact the above-**

described Temporary Zoning By-law Amendment more quickly by exempting such amendments from the procedural requirements for notice, consultation, and appeal in the *Planning Act*.

CARRIED

### MOTION

Moved by Councillor T. Tierney  
Seconded by Councillor J. Sudds

***BE IT RESOLVED that Council suspend the Rules of Procedure to permit the introduction of the following motion, in order to respond in a timely manner to the public health concerns regarding patio closing hours in the ByWard Market and on Right of Way patios city-wide:***

**WHEREAS the City of Ottawa must carefully balance economic recovery with the Province' Emergency Orders and Ottawa Public Health guidelines, and**

**WHEREAS in light of observed concerns regarding excessively dense congregating and the inability to undertake physical distancing in the ByWard Market as a result of the differing patio closure hours, the environment created by the road closures through the ByWard Market Economic Recovery Plan, and the influx of patrons from outside of Ontario as a result of the decision by the Province of Quebec to close all bars at 12 am;**

**THEREFORE BE IT RESOLVED that Council approve that the Right of Way Patio By-law 2017-92 (ROW Patio By-law) be amended as follows so that:**

- 1. All Right-Of-Way patio permits (ROW patio permit) issued in the ByWard Market, in the area bordered by St. Patrick Street, King Edward Avenue, Rideau Street and Sussex Avenue, be subject to a closure of 1 am until October 31, 2020;**
- 2. The 1 am closure will go into effect as of Friday, July 17, 2020;**
- 3. All Right-of-Way patio permits include the condition that the Province's Emergency Orders and Ottawa Public Health guidelines related to COVID-19 must be observed or the permit will be revoked by the General Manager of Planning, Infrastructure and Economic Development (PIED), in consultation with the General Manager of Emergency and Protective Services (EPS); and**

**BE IT FURTHER RESOLVED that:**

1. **The General Manager of PIED, in consultation with the Medical Officer of Health and the General Manager of EPS, be delegated the authority by Council to adjust the ROW patio permit closing hours, on any ROW patio permit issued throughout the city, through to October 31, 2020, on the basis of public health concerns;**
  
2. **The General Managers of PIED and EPS be directed to issue a memo to Council prior to the August 26, 2020 Council meeting detailing the number of notices of violation issued with regards to ROW patio permits, and any other observations, including a recommendation on whether to adjust the 1 a.m. closure time in the ByWard Market for the remainder of 2020.**

CARRIED on a division of 15 YEAS and 6 NAYS as follows:

- YEAS (15): Councillors S. Moffatt, M. Luloff, J. Harder, J. Sudds, G. Darouze, J. Cloutier, T. Tierney, E. El-Chantiry, G. Gower, K. Egli, C. A. Meehan, R. Brockington, A. Hubley, L. Dudas, Mayor J. Watson
- NAYS (6): Councillors T. Kavanagh, J. Leiper, C. McKenney, S. Menard, M. Fleury, R. King

The following motion was also introduced and subsequently WITHDRAWN:

### **MOTION**

Moved by Councillor M. Fleury  
 Seconded by Councillor K. Egli

***BE IT RESOLVED that Council suspend the Rules of Procedure to permit the introduction of the following motion, in order to respond in a timely manner to the public health concerns regarding patio closing hours in the ByWard Market and on Right of Way patios city-wide:***

**WHEREAS the City of Ottawa must carefully balance economic recovery with the Province' Emergency Orders and Ottawa Public Health guidelines, and**

**WHEREAS in light of observed concerns regarding excessively dense congregating and the inability to undertake physical distancing in the ByWard Market as a result of the differing patio closure hours, the environment created by the road closures through the ByWard Market Economic Recovery Plan, and the influx of patrons from outside of Ontario as a result of the decision by the Province of Quebec to close all bars at 12 am;**

**THEREFORE BE IT RESOLVED that Council approve that the Right of Way Patio By-law 2017-92 (ROW Patio By-law) be amended as follows so that:**

1. **All Right-Of-Way patio permits (ROW patio permit) issued in the ByWard Market, in the area bordered by St. Patrick Street, King Edward Avenue, Rideau Street and Sussex Avenue, be subject to a closure of 12 am until October 31, 2020;**
2. **The 12 am closure will go into effect as of Friday, July 17, 2020;**
3. **All Right-of-Way patio permits include the condition that the Province's Emergency Orders and Ottawa Public Health guidelines related to COVID-19 must be observed or the permit will be revoked by the General Manager of Planning, Infrastructure and Economic Development (PIED), in consultation with the General Manager of Emergency and Protective Services (EPS); and**

**BE IT FURTHER RESOLVED that:**

1. **The General Manager of PIED, in consultation with the Medical Officer of Health and the General Manager of EPS, be delegated the authority by Council to adjust the ROW patio permit closing hours, on any ROW patio permit issued throughout the city, through to October 31, 2020, on the basis of public health concerns;**
2. **The General Managers of PIED and EPS be directed to issue a memo to Council prior to the August 26, 2020 Council meeting detailing the number of notices of violation issued with regards to ROW patio permits, and any other observations, including a recommendation on whether to adjust the 12 a.m. closure time in the ByWard Market for the remainder of 2020.**

WITHDRAWN

The following motion was introduced and deemed moot by the passing of the Tierney / Sudds motion above.

**MOTION**

Moved by Councillor J. Leiper  
Seconded by Councillor C. McKenney

**BE IT RESOLVED THAT the General Manager of PIED, in consultation with the Medical Officer of Health and the General Manager of EPS, be delegated the**

**authority by Council to adjust the ROW patio permit closing hours, on any ROW patio permit issued throughout the city, through to October 31, 2020, on the basis of public health concerns.**

DIRECTION TO STAFF (Councillor A. Hubley)

That as staff undertake their review and bring forward a possible proposal for the fall, that a minimum one-week consultation period be undertaken with businesses.

## **NOTICES OF MOTION (FOR CONSIDERATION AT SUBSEQUENT MEETING)**

### **MOTION**

Moved by Councillor J. Sudds

Seconded by Councillor G. Gower

**WHEREAS many brave women came forward and shared their experiences with this individual and showed tremendous courage by their actions and inspired many to stand with them; and**

**WHEREAS the Integrity Commissioner's "Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli" (ACS2020-OCC-GEN-0023) concluded that all three allegations were not vexatious or frivolous, and that the courageous and brave women who provided testimony were credible and their allegations were established and founded; and**

**WHEREAS the City's independent Integrity Commissioner found that Councillor Chiarelli contravened Section 4 and Section 7 of the Code of Conduct and has recommended to Council the suspension of the remuneration paid to this individual for 90 days for each complaint, amounting to 270 days; and**

**WHEREAS as a first step, Council has approved, with amendments, a "Review of Recruitment and Hiring Process for Councillors' Assistants" (ACS3030-OCC-GEN-0022), which outlines various recommendations and is committed to continuing to look at ways to improve all aspects of the workplace of Members of Council and their staff; and**

**WHEREAS the City's Women and Gender Equity Sponsors Group has completed extensive community and employee consultations to inform the development of recommendations for the Women and Gender Equity Strategy improving equity within the City and its policies and services;**

**THEREFORE BE IT RESOLVED that City's Chief Financial Officer be directed to invest the total 2020 remuneration being suspended from this Member of Council due to the contraventions of Section 4 and Section 7 of the Code of Conduct, to be allocated to community organizations that support survivors of domestic violence and/or sexual assault in consultation with the General Manager of Community and Social Services.**

**MOTION**

Moved by Councillor C. McKenney  
Seconded by Councillor S. Menard

**WHEREAS** our city, province and nation are currently dealing with continued instances of anti-Black racism and systemic racism in our society, including in our Police Services; and

**WHEREAS** many in our community have strongly advocated for the Ottawa Police Services budget to be reconsidered and reinvested into community health and interventionist programming; and

**WHEREAS** many in our community have called for the reallocation of funds towards frontline, unarmed mental health citizen response teams for de-escalation;

**WHEREAS** if Ottawa City Council had the authority to directly impact the Ottawa Police Services budget, it could adequately address community concerns and create solutions; and

**WHEREAS** if Ottawa City Council had the authority to impact the Ottawa Police Services budget, this would ensure greater transparency and strengthen public trust by making debate and efforts more publicly informed and scrutinized; and

**WHEREAS** this enhanced budgetary role would allow the police board to continue to serve its purpose, with the only meaningful difference being that Council would be the highest and final decision-making body, as is already the case for other City committees and boards; and

**WHEREAS** other municipalities across the country have also passed motions that seek to change their police services in response to growing calls for police reform

**THEREFORE BE IT RESOLVED** That City Council direct the City Manager, in consultation with the Ottawa Police Services Board and Community and Protective Services, to develop alternative models of community safety response that would:

- a. Involve the creation of non-police led response to calls which do not involve weapons or violence, such as those involving individuals experiencing mental health crises and where a police response is not necessary;
- b. Reflect the City's commitment to reconciliation;
- c. Involve extensive community consultation on a proposed response model; and

- d. **Detail the likely reductions to the Ottawa Police Services budget that would result from these changes; and**

**BE IT FURTHER RESOLVED That City Council request the Province of Ontario to amend the Police Services Act, 1990 to allow for Ottawa City Council to have control over the Ottawa Police Services Budget by creating a clause in Section 39 that exempts the City of Ottawa from the following restriction:**

- a. **39 (4) In establishing an overall budget for the board, the council does not have the authority to approve or disapprove specific items in the estimates; and**

**BE IT FURTHER RESOLVED That City Council request the Government of Ontario to eliminate all appeal powers for the Ottawa Police Services Board as set out in the Police Services Act, 1990 for the Ontario Civilian Police Commission to overturn Ottawa City Council decisions pertaining to Police Budget matters including requests for reduction, abolition, creation or amalgamation of Police services; and**

**BE IT FURTHER RESOLVED That City Council request the Ottawa Police Service Board to post its Use of Force Policy on its public website; and**

**BE IT FURTHER RESOLVED That City Council request the Province immediately review and re-do the Equipment and Use of Force Regulation, R.R.O. 1990, Reg. 926, so as to incorporate further modifications based on alternative models and best practices in peer jurisdictions, which address the use of deadly force, including de-escalation; and**

**BE IT FURTHER RESOLVED That City Council request the Ottawa Police Services Board to promptly adopt the recommendations from the Ontario Human Rights Commission on race-based data and report on the implementation status by January 1, 2021; and**

**BE IT FURTHER RESOLVED That City Council requests that the Province immediately reinstate the Police Services Act reforms recommended by Justice Tulloch - namely reforms surrounding the independence and requirements for the Special Investigations Unit (Recommendation 5.7); and**

**BE IT FURTHER RESOLVED That City Council request the Ottawa Police Services Board to ensure policies are enacted requiring all instances of alleged racial profiling and bias to be investigated under the *Police Services Act*.**

## **BY-LAWS**

### **THREE READINGS**

2020-186. A by-law of the City of Ottawa of temporary application requiring that masks be worn in certain enclosed public spaces to limit the spread of

## COVID-19.

- 2020-187. A by-law of the City of Ottawa to amend By-law No. 2001-17 to appoint certain Inspectors, Property Standards Officers and Municipal Law Enforcement Officers in the Building Code Services Branch of the Planning, Infrastructure and Economic Development Department.
- 2020-188. A by-law of the City of Ottawa to establish certain lands as common and public highway and assume them for public use (promenade Cope Drive).
- 2020-189. A by-law of the City of Ottawa to establish certain lands as common and public highway and assume them for public use (Bronson Avenue, Queensdale Avenue, Galetta Side Road, Playfair Drive, Church Street, Woodland Avenue, Vaughan Side Road, Kenwood Avenue, Donnelly Drive, St. Laurent Boulevard, Stonecrest Road, Mackey Road, Parisien Street, West Hunt Club Road, Old Richmond Road).
- 2020-190. A by-law of the City of Ottawa to repeal By-law No. 2020-177 and to establish certain lands as common and public highway and assume them for public use (Rideau Street, Beechwood Avenue, Franktown Road, Mackey Road, Nixon Drive, Woodroffe Avenue, Montreal Road, McMullen Road, cours Damselish Walk, Aylwin Road, Stone Crest Road).
- 2020-191. A by-law of the City of Ottawa to establish certain lands as common and public highway and assume them for public use (Longfields Drive).
- 2020-192. A by-law of the City of Ottawa to amend By-law No. 2017-180 respecting the appointment of Municipal Law Enforcement Officers in accordance with private property parking enforcement.
- 2020-193. A by-law of the City of Ottawa to designate certain lands at 147, 149, 151, 153, 155 and 157 voie Boundstone Way on Plan 4M-1556, as being exempt from Part Lot Control and to repeal By-law No. 2020-147.
- 2020-194. A by-law of the City of Ottawa to amend By-law No. 2007-478 respecting permit fees.
- 2020-195. A by-law of the City of Ottawa to establish certain fees and charges for Ottawa Fire Services.
- 2020-196. A by-law of the City of Ottawa to amend By-law No. 2006-75 respecting fees and charges for inspections and file searches by Ottawa Fire Services.
- 2020-197. A by-law of the City of Ottawa to amend By-law No. 2003-237 respecting a housekeeping amendment to the Fireworks By-law.
- 2020-198. A by-law of the City of Ottawa to amend By-law No. 2002-189 respecting license fees.

- 2020-199. A by-law of the City of Ottawa to amend By-law No. 2017-255 respecting fees.
- 2020-200. A by-law of the City of Ottawa to amend By-law No. 2004-163 respecting fees for open air fire permits.
- 2020-201. A by-law of the City of Ottawa to amend By-law No. 2003-77 respecting pet registration fees.
- 2020-202. A by-law of the City of Ottawa to amend By-law No. 2013-416 respecting fees.
- 2020-203. A by-law of the City of Ottawa to amend By-law No. 2018-99 respecting fees.
- 2020-204. A by-law of the City of Ottawa to amend By-law No. 2013-232 respecting fees.
- 2020-205. A by-law of the City of Ottawa to amend By-law No. 2004-239 respecting permit fees for temporary signs.
- 2020-206. A by-law of the City of Ottawa to amend By-law No. 2016-272 respecting fees.
- 2020-207. A by-law of the City of Ottawa to levy an annual amount upon colleges and universities for the year 2020.
- 2020-208. A by-law of the City of Ottawa to levy an annual amount upon public hospitals or provincial mental health facilities for the year 2020.
- 2020-209. A by-law of the City of Ottawa to levy an annual amount upon Ottawa Carleton Detention Centre for the year 2020.
- 2020-210. A by-law of the City of Ottawa to levy an annual amount upon provincial education institutions for the year 2020.
- 2020-211. A by-law of the City of Ottawa to amend Volume 2A of the Official Plan for the City of Ottawa to increase the maximum building height and add a site-specific policy for the lands municipally known as 1178 Cummings Avenue and 1098 Ogilvie Road.
- 2020-212. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 1178 Cummings Avenue and 1098 Ogilvie Road.
- 2020-213. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 70 Gloucester Street and 89 and 91 Nepean Street.
- 2020-214. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 6758 and 6766 Rocque

## Street.

- 2020-215. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 5 Orchard Drive.
- 2020-216. A by-law of the City of Ottawa to amend the Preston Carling District Secondary Plan of Volume 2A of the Official Plan for the City of Ottawa to redesignate the lands municipally known as 450 Rochester Street to allow for an increase in height and to add site specific policies.
- 2020-217. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 450 Rochester Street, 367, 369 and 371 Preston Street.
- 2020-218. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 35 Highbury Park Drive.
- 2020-219. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 244 Fountain Place.
- 2020-220. A by-law of the City of Ottawa to amend the South Nepean Secondary Plan Areas 9 and 10 of Volume 2A of the Official Plan for the City of Ottawa to redesignate part of the lands municipally known as 4149 Strandherd Drive and to increase the permitted height.
- 2020-221. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 4149 Strandherd Drive.
- 2020-222. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 3232 Jockvale Road, part of 139 Namaste Walk, part of 721 Cashmere Terrace and part of 630 Hamsa Street.
- 2020-223. A by-law of the City of Ottawa to amend By-law No. 2008-250 to temporarily allow a relaxation of regulations relating to outdoor commercial patios and pop-up retail stores.
- 2020-224. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 24, 26, 28 and 30 Pretoria Avenue.
- 2020-225. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 246 Gilmour Street.
- 2020-226. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 1110 Fisher Avenue.
- 2020-227. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 70 Gloucester Street and 89 and 91 Nepean Street.

- 2020-228. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 4041 Moodie Drive.
- 2020-229. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 2730 Goodstown Road.
- 2020-230. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 1 and 9 Canfield Road and 13, 15 and 17 Parkmount Crescent.
- 2020-231. A by-law of the City of Ottawa to amend the Official Plan for the City of Ottawa to add site specific polices for the lands municipally known as 7732 Snake Island Road
- 2020-232. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 7732 Snake Island Road.
- 2020-233. A by-law of the City of Ottawa requiring a by-election to be held to fill the vacancy in the Office of the Member of Council for Ward 19 (Cumberland)
- 2020-234. A by-law of the City of Ottawa to authorize the use of an alternative voting method for the 2020 municipal by-election for Ward 19 (Cumberland).

CARRIED

## INQUIRIES

Councillor S. Menard

*Given the ongoing issues that have plagued the Confederation Line, I am requesting that staff provide to Council and Transit Commission, no later than August 1, 2020, a comprehensive list of all outstanding issues on Line 1, including issues with infrastructure (track, tunnel, stations, etc.) and vehicles, and the expected remediation date of those issues. Further, I am asking that staff provide regular updates to Council and Transit Commission as items are completed or added.*

## DECLARATIONS OF INTEREST

Councillor. R. Chiarelli submitted the following declarations of interest

**RE: CITY COUNCIL MEETING OF 24 JUNE 2020**

**Whereas Subsection 5(3) of the *Municipal Conflict of Interest Act* provides that where the interest of a Member has not been disclosed by reason of a Member's absence from the meeting at which the matter is considered, the Member shall**

**disclose the interest at the first meeting of the Council attended by the Member. I, Councillor Rick Chiarelli, declare a direct pecuniary interest on the following matter considered by City Council:**

- a) the motion to suspend the Rules of Procedure in order to permit the Integrity Commissioner to report to Council in advance of the summer legislative break considered by City Council on June 24, 2020**

**RE: CITY COUNCIL MEETING OF JULY 15, 2020**

**Whereas Subsection 5.1 of the *Municipal Conflict of Interest Act* states that where a Member, either on his or her own behalf or while acting for, by, with or through another has any pecuniary interest, direct or indirect in any matter and is present at a meeting of Council or Board at which the matter is subject to consideration, the Member shall, prior to consideration of the matter at the meeting, disclose the interest in a general nature thereof. I, Councillor Rick Chiarelli, declare a direct pecuniary interest in the following matters to be considered by Council on the 15<sup>th</sup> of July, 2020.**

**A. Motion to receive reports number 1 - *Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli***

**B. The *in camera* meeting concerning workplace investigation**

Councillor Chiarelli advised that he had initiated a Court challenge, and had received confirmation that the Divisional Court will be scheduling a case conference to set a time table for exchange of materials, and to schedule a hearing date. In light of this legal challenge, Councillor Chiarelli indicated he had been advised to say nothing further in relation to the Integrity Commissioner's report.

Councillor Chiarelli was not in attendance during consideration of these items by Council.



## Document 2 – Proposed Official Plan Amendment



### Official Plan Amendment XX to the Official Plan for the City of Ottawa

#### INDEX

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#### THE STATEMENT OF COMPONENTS

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Schedule A of Amendment XX – Official Plan for the City of Ottawa

#### **PART A – THE PREAMBLE**

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XX to the Official Plan for the City of Ottawa.

#### Purpose

The Official Plan Amendment would permit a residential care facility at 7650 Snake Island Road together with the addition of approximately 7.5 hectares of land located immediately south of the existing Osgoode Residential Care Facility.

#### Location

The subject lands are located on the south side of Snake Island Road, west of Scrivens Drive (7732 Snake Island Road).

## Basis

The lands are currently designated Agricultural Resource Area and zoned AG-Agricultural. The intent of the Agricultural Resource Area policies is to protect prime agricultural areas in the long term. As such, the policies limit lot creation and conflicting non-agricultural uses from occurring within areas of prime agriculture.

## Background

At the request of Council, staff were directed to look at the possibility in permitting an expansion to the Osgoode Care Centre at 7650 Snake Island Road. Constructed in the early eighties the Osgoode Care Centre provides much needed long-term care for seniors and adults in the Osgoode community. There is an apparent need to expand the complex to serve the community today and in the future.

## Rationale

The policies in the Official Plan for Agricultural Areas seek to ensure that uses, which could result in conflicts with agricultural resource operations, are not established in productive farming areas. Agricultural uses within proximity of the site are variety of cash cropping and arable land.

The proposed expansion of the residential care facility site can meet the minimum distance separation from adjacent agricultural uses.

The proposed site is located a few kilometres outside the Village of Metcalfe. Although more appropriately located in Villages we recognize not only its proximity to a village but the ability to function more efficiently in concert with the already existing care facility on the neighbouring lands.

Policy matters as set-out in the Official Plan and Provincial Policy Statement for the most part have been addressed. For matters not consistent or in conformity, this OPA and ZBLA seek to amend the necessary policies to permit a new use in the Agricultural designation to accommodate the expansion of the existing residential care facility.

The intent of these amendments is not remove lands from the agriculture designation, but simply to add a use. Additionally, a 7.5-hectare severance of this site off the main property is being contemplated and the site must proceed through site plan control approval process.

## **PART B – THE AMENDMENT**

### 1. Introduction

All of this part of this document entitled Part B – The Amendment consisting of the following text constitutes Amendment No. XX to the Official Plan for the City of Ottawa.

## 2. Details

The Official Plan for the City of Ottawa is hereby amended by adding a new policy under the heading "Site Specific Policies" to Section 3.7.3 containing the following:

Notwithstanding the policies above regarding permitted uses and new lot creation in the Agriculture Resource Area:

- a) residential care facility will be permitted at 7732 Snake Island Road provided it is located immediately south of the existing Osgoode Residential Care facility, and the severance of a 7.5-hectare lot at 7732 Snake Island for this use will also be permitted.
- b) parcels created as a result of the severance, a lot east of 7650 Snake Island Road with a lot area of approximately 10 hectares and a lot west of 7590 Snake Island Road with an approximate lot area of 23.5 hectares will be permitted.

## 3. Implementation and Interpretation

Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.



**Document 3 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008 – 250 for 7732 Snake Island Road.

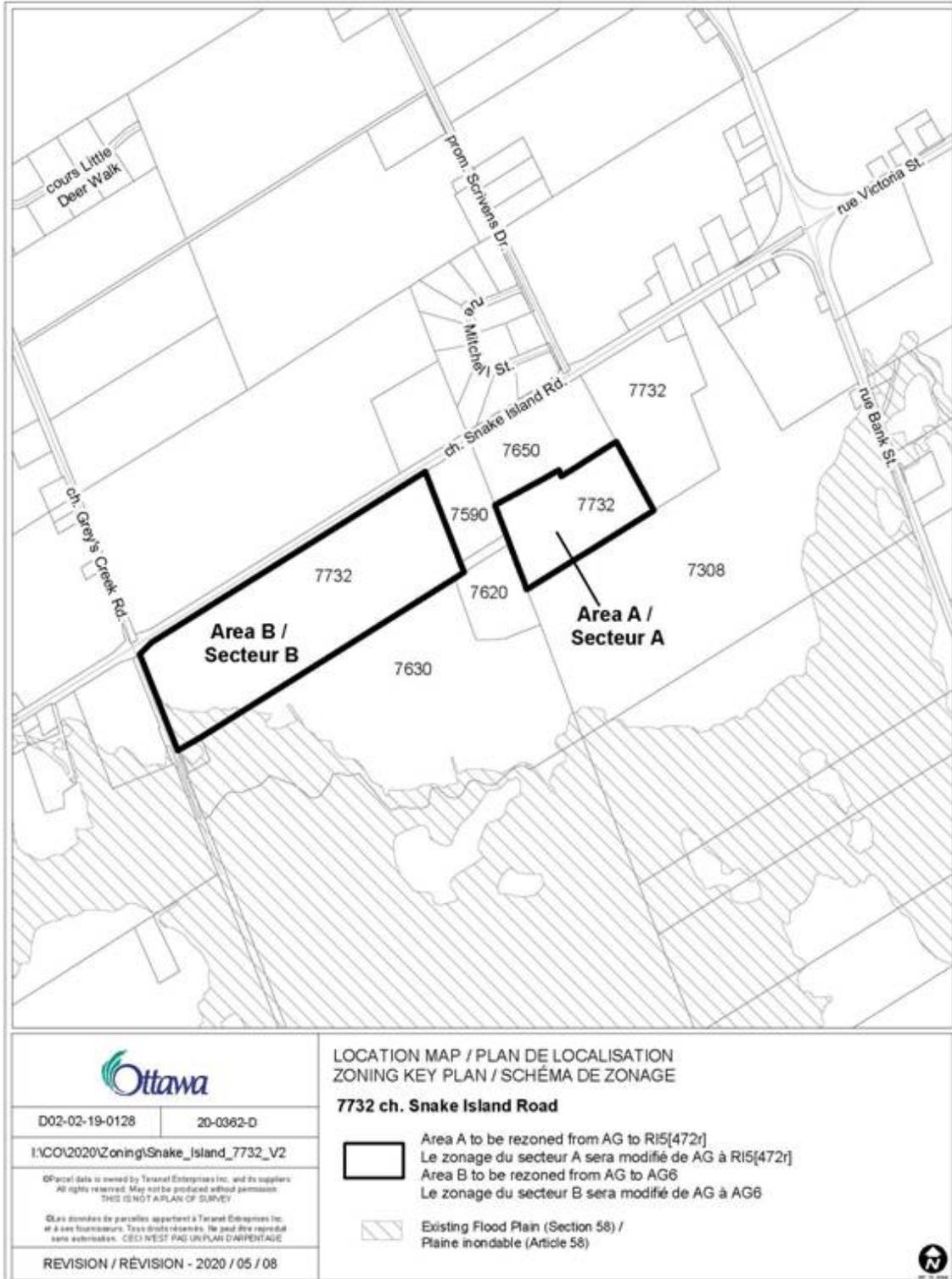
1. Rezone the lands shown on Document 4 as follows:

Area A from AG to RI5 [472r]

Area B from AG to AG6



**Document 4 – Zoning Key Plan**  
 Zoning Key Plan showing area to be rezoned.



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- [1] See attached ANNEX A at end of Disposition.
  - [2] See attached ANNEX A at end of Disposition.
  - [3] See attached ANNEX A at end of Disposition.

**Report to  
Rapport au:**

**Council  
Conseil**

**25 November 2020 / 25 novembre 2020**

**Submitted on November 3, 2020  
Soumis le 3 novembre 2020**

**Submitted by  
Soumis par:**

**Robert Marleau, Integrity Commissioner/Commissaire à l'intégrité**

**Contact Person**

**Personne ressource:**

**Robert Marleau, Integrity Commissioner/Commissaire à l'intégrité  
(613) 580-2424 x21978, *integrity@ottawa.ca***

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2020-OCC-GEN-0033**

**SUBJECT: Report to Council on an Inquiry Respecting the Conduct of  
Councillor Chiarelli**

**OBJET: Rapport au Conseil sur une enquête concernant la conduite du  
conseiller Chiarelli**

## **REPORT RECOMMENDATIONS**

**The Integrity Commissioner recommends that City Council:**

- 1. Suspend the notice requirement in Section 13 of the Complaint Protocol (Appendix A to By-law 2018-400) to consider this report.**
- 2. Receive this report, including the finding that Councillor Chiarelli has contravened Section 4 and Section 7 of the Code of Conduct.**
- 3. Impose the following sanctions for each individual contravention of the Code of Conduct:**

- a. **Complaint 1 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days;**
  - b. **Complaint 2 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days.**
4. **Direct that the effective starting date for the above recommendations for suspension of remuneration follow the end of the suspensions of remuneration of Councillor Chiarelli approved by Council on July 15, 2020 and be applied consecutively.**
5. **Remove Councillor Chiarelli from the membership of all committees of Council and any other boards, local boards, agencies or commissions he has been appointed to by Council for the remainder of the 2018-2022 term of office.**
6. **Suspend all delegated authorities of Councillor Chiarelli to hire staff and to order and approve any budgetary expenditures for the remainder of the 2018-2022 term of office and that the said delegated authorities shall be vested as recommended by the City Clerk in a separate report to Council.**

## **RECOMMANDATIONS DU RAPPORT**

**Le commissaire à l'intégrité recommande que le Conseil municipal :**

1. **suspende l'exigence d'avis prévue à l'article 13 du Protocole régissant les plaintes (annexe A du Règlement n° 2018-400) pour que ce rapport puisse être examiné.**
2. **prenne connaissance du présent rapport ainsi que de la conclusion selon laquelle le conseiller Chiarelli a enfreint les articles 4 et 7 du Code de conduite;**
3. **impose les sanctions suivantes pour chacune des contraventions au Code de conduite :**
  - a. **Plainte no 1 – Suspension de la rémunération versée au conseiller Chiarelli pour ses services en qualité de membre du Conseil pour une période de 90 jours;**

- b. Plainte no 2 – Suspension de la rémunération versée au conseiller Chiarelli pour ses services en qualité de membres du Conseil pour une période de 90 jours;**
- 4. demande au personnel de veiller à ce que les recommandations susmentionnées relativement à la suspension de la rémunération prennent effet immédiatement après la fin des suspensions de la rémunération du défendeur approuvées par le Conseil le 15 juillet 2020 et qu’elles soient consécutives;**
  - 5. retire conseiller Chiarelli de tous les comités et autres conseils, conseils locaux, organismes ou commissions au sein desquels il a été nommé par le Conseil pour le reste de son mandat qui a débuté en 2018 et prendra fin en 2022;**
  - 6. suspende tous les pouvoirs qu’il a délégués au conseiller Chiarelli au regard de l’embauche de personnel ainsi que de l’engagement et de l’approbation de toutes dépenses budgétaires pour le reste de son mandat jusqu’en 2022, et veille à ce que les pouvoirs ainsi retirés au défendeur soient dévolus, conformément aux recommandations, au greffier municipal dans un rapport distinct au Conseil.**

## **BACKGROUND**

On July 11, 2012, City Council approved the establishment of the Integrity Commissioner position. The City of Ottawa’s Integrity Commissioner fulfills the role of Integrity Commissioner, Lobbyist Registrar and Meetings Investigator.

The jurisdiction of the Integrity Commissioner is set out in Section 223.3 of the *Municipal Act, 2001* (the “Act”), as follows:

- 1. The application of the code of conduct for members of council and the code of conduct for members of local boards.*
- 2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.*
- 3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.*

4. *Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.*
5. *Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.*
6. *Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.*
7. *The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act. 2017, c. 10, Sched. 1, s. 19 (1).*

[...]

#### *Powers and duties*

*(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.*

*The attached report relates to an inquiry undertaken by the Integrity Commissioner in his role as Integrity Commissioner pursuant to his jurisdiction set out in Section 223.4 of the Act, as follows:*

#### *Inquiry by Commissioner*

*223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,*

*(a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or*

*(b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.*

#### *Powers on inquiry*

*(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, 2009, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).*

The Integrity Commissioner and all people acting under his instructions are bound by a duty of confidentiality under which secrecy is to be preserved with respect to all matters that come to his or her knowledge in the course of conducting an Inquiry, in accordance with Section 223.5 of the Act, as follows:

*Duty of Confidentiality*

*223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

*Exception*

*(2) Despite subsection (1), information may be disclosed in a criminal proceeding as required by law or otherwise in accordance with this Part. 2006, c. 32, Sched. A, s. 98.*

*[...]*

*Section prevails*

*(3) This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c.32, Sched. A, s. 98.*

Where the Integrity Commissioner reports to Council, Section 223.6 of the *Municipal Act, 2001* sets out the following specific requirements:

*Report to council*

*223.6 (1) If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 32, Sched. A, s. 98.*

*Report about conduct*

*(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened*

*the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.*

*Publication of reports*

*(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.*

The Complaint Protocol of the Code of Conduct for Members of Council (Appendix A to By-law 2018-400) sets out the framework for receiving complaints, conducting investigations and reporting to Council. Section 11 of the Complaint Protocol requires that the Integrity Commissioner report to Council where a complaint is sustained in whole or in part and outline the Integrity Commissioner's findings, the terms of any settlement and/or any recommended corrective action.

This report is submitted to Council under subsections 223.4(1), 223.6(2) and 223.6(3) of the Act and Section 11 of the Complaint Protocol of the Code of Conduct for Members of Council (Appendix A of By-law 2018-400).

### **Notice of Intent to Report to Council**

The Integrity Commissioner is required to provide notice of intent to report to Council.

Section 13 of the Complaint Protocol of the Code of Conduct for Members of Council (Appendix A of By-law 2018-400) provides as follows [emphasis added]:

Report to Council

13. Upon receipt of a report, the Clerk shall indicate, on the **next regular agenda of City Council**, Notice of Intent from the Integrity Commissioner to submit a report for consideration at the following regular meeting of City Council.

Subsection 29(6)(b) of the Council Procedure By-law provides as follows [emphasis added]:

29(6)(b) Notice of a report from the Integrity Commissioner or the Election Compliance Audit Committee **shall be given at the meeting of Council prior to the meeting where the report is to be considered** by Council and shall be released with the Agenda five calendar days in advance of the Council meeting at which it is to be considered.

The November 12, 2020 meeting of City Council was cancelled. Consequently, as part of the November 4, 2020 Special Council meeting, the Integrity Commissioner issued notice of intent to submit this report for consideration at the November 25, 2020 Council meeting, fulfilling the requirements of the Council Procedure By-law. The Integrity Commissioner requests suspension of Section 13 of the Complaint Protocol to permit Council to consider this report given that Notice has been issued publicly at a meeting of Council, albeit not a “regular” meeting as required by the Complaint Protocol.

## **DISCUSSION**

The attached report is the Integrity Commissioner’s final report respecting two separate formal complaints filed by former employees concerning the conduct of Councillor Chiarelli.

Between September 16, 2019 and October 8, 2019, two individuals filed a formal complaint and sworn affidavit alleging that Councillor Chiarelli’s conduct during their respective job interviews and employment in his office contravened Section 4 (General Integrity), Section 7 (Discrimination and Harassment) and Section 10 (Conduct Respecting Staff) of the Code of Conduct for Members of Council (“Code of Conduct”).

Following a preliminary review of the information submitted, the Integrity Commissioner determined that the complaints were not frivolous or vexatious and concluded there were sufficient grounds for a formal investigation.

As the allegations set out in the formal complaints were analogous in nature, the Integrity Commissioner conducted one inquiry. However, each complaint has been treated separately, each with individual findings and recommendations.

The Integrity Commissioner retained the services of an independent investigator to complete the investigation. The Investigator was delegated the responsibility for the investigation in accordance with subsections 223.3(3) and 223.3(4) of the *Municipal Act, 2001*:

### ***Delegation***

*223.3 (3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner’s powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.*

### ***Same***

*223.3 (4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98*

The attached report outlines the Integrity Commissioner's individual findings and recommendations for each of the two formal complaints.

### **RURAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **CONSULTATION**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **LEGAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **RISK MANAGEMENT IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **FINANCIAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **ACCESSIBILITY IMPACTS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **TERM OF COUNCIL PRIORITIES**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

## **SUPPORTING DOCUMENTATION**

Document 1 – Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli

Document 2 - Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli - Appendices

## **DISPOSITION**

Decisions made by Council as a result of this report will be implemented.

# **Integrity Commissioner**

## **Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli**

November 3, 2020

## THE COMPLAINTS

- 01 I received a total of five formal complaints against Councillor Chiarelli between September 6, 2019 and October 8, 2019. Three complaints were received from members of the public who were interviewed for possible employment in the Councillor's office. Those three complaints were the subject of my report to Council on July 15, 2020. I received two other formal complaints from two former employees of the Councillor: the first on September 16, 2019 alleging that Councillor Chiarelli contravened Section 4 (General Integrity), Section 7 (Discrimination and Harassment) and Section 10 (Conduct Respecting Staff) of the Code of Conduct for Members of Council ("Code of Conduct"), and the second on October 8, 2019 claiming that the Councillor was in breach of Section 4 (General Integrity), Section 7 (Discrimination and Harassment) and also Section 10(c) (Conduct Respecting Staff) of the Code of Conduct.
- 02 This report concerns the formal complaints filed by the two former employees from Councillor Chiarelli's office. The detailed allegations of each formal complaint are as follows:

### **Complaint 1:**

- During a job interview with Councillor Chiarelli, the Councillor asked the individual if she would be willing to go "on assignments" to flirt with men at networking events, including at bars, to convince them to volunteer for the Councillor's office and give the Councillor's office information, and told her that this was a very regular practice.
- While the individual was employed in the office of Councillor Chiarelli, the Councillor:
  - Showed her pictures on his phone of his previous staff and told her to wear revealing clothing, as a member of his staff had done, when she was to go "on assignment";
  - Took her to a bar, bought her drinks until 2 a.m. and told her stories of his employees who got men drunk and danced with them until they ejaculated, and told her that he wanted her to convince men that she would have sex with them so they would volunteer for the office or give information to her for the office, but that he would fire her if she did have sex with them;

- In a text message, told her to wear something “sexy” to an event, “not ho-ish” and “no bra required”;
- Made inappropriate comments regarding matters such as her appearance and body, nicknames for her and her co-workers, sexual activity having occurred in the office, others’ sexual interest in him and others’ belief that he had sexual relationships with members of his staff, including her;
- Told her to keep “bar assignments” secret, continued to tell her about “assignments” he wanted her to go on, had her attend events that she felt occurred at inappropriate times and for which she felt she had no reason to attend (for example, an event at a night club);
- Exhibited abusive behaviour towards her and her co-workers including making fun of and speaking down about her and her co-workers, telling her that constituents and co-workers hated her, creating fear in the office by making threatening comments about negative actions he would take against a staffer who had quit and blaming that staffer’s departure on her; and
- With respect to his professional duties, was consistently absent or late for meetings, fell asleep in meetings, did not provide the complainant with direction regarding her duties, and once behaved in an erratic manner with a constituent that made the complainant fearful for her safety.

### **Complaint 2:**

- During a job interview with Councillor Chiarelli, the Councillor:
  - Presented the individual with a photo of herself in costume, suggesting that she was bra-less in the photo, and stating going bra-less “could attract a man from across the room”; and
  - Pressured the individual into sharing intimate details about her personal life by implying it would help the Councillor “protect” her and demonstrate that she could be trusted.
- While the individual was employed in the office of Councillor Chiarelli, the Councillor:
  - Made inappropriate comments regarding the individual’s appearance and body, directly to her and to others;

- Made inappropriate comments regarding the individual's co-workers (including comments related to their appearance and attire), and the sexual activity of business associates and previous office staff; and
  - Regularly informed office staff that they could be fired at any time without cause, suggesting that any reports of harassment or inappropriate behaviour should be dealt with "internally", and implying that a former staff member had lost a new job because they had "done something negative" to the Councillor.
- 03 As described in my first report to Council, the allegations set out in all five formal complaints are analogous in nature, and for this reason, I conducted one inquiry. However, each complaint has been treated separately, with individual findings and recommendations. This report sets out findings and recommendations for the two former employees' complaints.

## **SUMMARY OF FINDINGS**

- 04 For the reasons set out in this report, I make the following findings in relation to the two complaints:

**Complaint 1:** I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct. I find that Councillor Chiarelli has not breached Section 10 of the Code of Conduct.

**Complaint 2:** I find that Councillor Chiarelli breached Sections 4 and 7 of the Code of Conduct. I find that Councillor Chiarelli has not breached Section 10 of the Code of Conduct.

## **INQUIRY PROCESS AND STEPS**

- 05 I met personally with each of the two complainants (separately) to review the complaint process and the options before them, as follows:

**Complaint 1:** On September 10, 2019, Complainant 1 contacted me by email to request a meeting to discuss her experience while working in a City Councillor's office. I met with Complainant 1 on the afternoon of September 10, 2019, to discuss the complaint process. I met with Complainant 1 again on September 16, 2019, at which time she filed her formal complaint, including a sworn affidavit.

**Complaint 2:** On October 1, 2019, Complainant 2 contacted me by email and indicated she wished to file a formal complaint against Councillor Chiarelli for violations of the Code of Conduct. I spoke with Complainant 2 on the phone on October 4, 2019, to discuss the complaint process. I met with Complainant 2 on October 8, 2019, at which time she filed her formal complaint, including a sworn affidavit.

- 06 The Complaint Protocol (Appendix A of By-law 2018-400, the Code of Conduct for Members of Council) sets out the framework for receiving complaints, conducting investigations and reporting to Council. (see Appendix 1)
- 07 Following an intake analysis of each complaint, I concluded that each separate complaint was not frivolous or vexatious. I determined that I had jurisdiction over the complaints. In considering jurisdiction, I reviewed the City's *Violence and Harassment in the Workplace Policy* and the *Council-Staff Relations Policy*, which states that the language of the Code prevails in any discrepancy between the *Council-Staff Relations Policy* and the Code. Consequently, I decided that there were sufficient grounds for a formal investigation. In conformity with the Complaint Protocol, I issued a notice of inquiry to each complainant and the Councillor, as follows:

**Complaint 1:** Notice of Inquiry was sent on September 20, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 4, 2019.

**Complaint 2:** Notice of Inquiry was sent on October 9, 2019. The Councillor was provided with a copy of the complaint and asked to provide a written response by October 24, 2019.

### ***The Respondent***

- 08 As stated above, I conducted one inquiry into the allegations set out in all five formal complaints. My first report to Council respecting the first three formal complaints from members of the public was received on July 15, 2020. The first report detailed my efforts to engage with the Respondent and his non-participation in the inquiry. Those details are repeated here for the purposes of a full and complete report to Council. I have added the relevant correspondence with the Respondent since the July 15 report along with the details of my initial correspondence in respect of Complaint 1 and Complaint 2.

- 09 As stated above, Notice of Inquiry for Complaint 1 was sent to the Respondent on September 20, 2019. He was provided with a copy of the complaint and asked to respond in writing by October 4, 2019.
- 10 On September 24, 2019, I received a communication from Councillor Chiarelli's legal counsel. The letter raised a "preliminary procedural issue" with respect to the processing of complaints and my authority and/or jurisdiction to move forward with an investigation. Councillor Chiarelli's legal counsel argued that allegations against the Councillor fell within the scope of the *Ontario Human Rights Code* and the jurisdiction of the Human Rights Tribunal of Ontario, and thus, he argued I did not have jurisdiction to continue my inquiry.
- 11 I responded to Councillor Chiarelli, through his legal counsel, on October 3, 2019. I advised his legal counsel that I was of the opinion that the formal complaints before me at that time fell squarely within my jurisdiction as Integrity Commissioner and that the investigation would proceed.
- 12 That same day (October 3, 2019), Councillor Chiarelli released a public statement in which the Councillor wholly denied the allegations respecting his conduct that had been identified in public media reports and challenged my jurisdiction to investigate these matters (see Appendix 2). In his public statement, the Councillor stated, "I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion." The Councillor further indicated he would be willing to respond to "any human rights complaint that any former employee, or candidate for employment, might see fit to file against [him]," and characterized the Formal Complaint Procedure as a "process that clearly restricts and prejudices [his] ability to defend [himself]."
- 13 On October 9, 2019, I sent a Notice of Inquiry to the Respondent relating to Complaint 2 with a request for a written answer by October 24, 2019.
- 14 On October 10, 2019, I received a second communication from Councillor Chiarelli's legal counsel. I was advised of the Councillor's intention to file a Judicial Review Application regarding my jurisdictional authority. I was further advised that, "Councillor Chiarelli will not be responding substantively to any complaint that has been filed with [my] office to date, or any similar and/or related complaint that might be filed, until a judicial decision on this extremely important

jurisdictional issue has been rendered by the Ontario Divisional Court.” (see Appendix 3)

- 15 On October 18, 2019, through my counsel, I responded to Councillor Chiarelli’s position, set out a legal analysis of the jurisdiction issue, and confirmed my jurisdiction under the Code of Conduct. (see Appendix 4)
- 16 The October 18, 2019 letter also advised the Respondent’s legal counsel of my intention to proceed with the investigation and offered another opportunity for the Respondent to confirm his willingness to participate by October 29, 2019. The Respondent was further advised that should he choose not to participate, the fact-finding process would conclude without his response and I would issue my reports to Council.
- 17 No response was received to the letter of October 18, 2019 from the Respondent or his legal counsel.
- 18 Having received no response to the notices of inquiry for the two complaints from the Respondent, no reply to my legal counsel’s October 18, 2019 letter, and no notice of an application for judicial review from the Respondent’s legal counsel, I continued my investigation.
- 19 Despite his earlier confirmation that he would not participate, in my efforts to ensure a fair process, I instructed the Investigator to offer the Respondent an opportunity to be interviewed. On December 10, 2019, a written request was sent to the Respondent to take part in an interview under oath, as provided for in s. 33 of the *Public Inquiries Act, 2009*. (see Appendix 5)
- 20 Three days later, on December 13, 2019, the Respondent’s legal counsel confirmed to my Office that the Respondent had been admitted to the Ottawa Heart Institute. He advised that the Respondent would undergo open heart surgery and would not be in a position to consider whether to participate in the investigations until his medical recovery had progressed to a stable and acceptable level (approximately 6-12 weeks later). (see Appendix 6)
- 21 On January 29, 2020, I issued notice to City Council of my intent to report on an ongoing investigation. My interim report was released with the Council agenda on February 7, 2020, five calendar days in advance of the meeting as required by the Council Procedure By-law. The evening of February 11, 2020, the day before the Council meeting, the Respondent’s legal counsel issued a letter to City

Council and myself (see Appendix 7) formally requesting that “all current proceedings and related investigations be stayed and/or terminated, on the basis of actual bias and/or Councillor Chiarelli’s reasonable apprehension of bias.” In that letter, the Respondent repeated his intention to move forward with a Judicial Review Application, but also indicated his intention to “exhaust any and all internal mechanisms, related to the City’s internal policies and procedures, so that it cannot be later argued that a judicial review application was somehow premature.” In my response to the Respondent’s legal counsel, I denied the request to stand down, confirmed my interest in interviewing the Councillor and requested he confirm his willingness to participate. (see Appendix 8)

- 22 In the subsequent weeks, through communications with his legal counsel, I sought to confirm the Respondent’s intention to voluntarily participate in an interview as part of the inquiry. I was advised that due to the Respondent’s medical condition, the Respondent was not able to confirm whether or not he would participate in an interview once he was medically cleared by his doctors. (see Appendix 9) Without a definite commitment from the Respondent, I elected to issue a summons under Section 33(1)(3) of the *Public Inquiries Act* for the Respondent to attend an interview. (see Appendix 10) The interview was scheduled for April 6, 2020, approximately 1.5 weeks following the Respondent’s anticipated return to work on or about March 24, 2020, as outlined in the medical certificates provided by the Respondent’s legal counsel.
- 23 I first sought the agreement of the Respondent’s legal counsel to issue the summons to him, on behalf of his client, on February 28, 2020. (see Appendix 11) I received no response from the Respondent’s legal counsel. Consequently, on March 4, 2020, I engaged the services of a process server to serve the summons on the Respondent at his home. The process server made four attempts to serve the Respondent. During the first three attempts between March 4 - 11, 2020, the process server observed individuals in the house who would not answer the door. On the fourth attempt (March 16, 2020), the process server arrived at the Respondent’s home and viewed the Respondent sitting at a computer through a front window. As the process server walked up the driveway, he saw the Respondent get up from his chair and move towards the front door. When he knocked on the door, the process server could hear the door then lock. After knocking and ringing the bell, the process server saw the Respondent looking through the front window. The process server waved the envelope at the Respondent and informed him that he was serving a summons from the City of

Ottawa. When the Respondent refused to answer the door, the process server placed the envelope at the door and deemed the personal service complete as the documents were brought to the Respondent's attention. The process server provided a sworn affidavit of the events (see Appendix 12).

- 24 In the days after the Respondent was served, the situation involving the COVID-19 pandemic evolved quickly. On March 17, 2020, Premier Ford declared a state of emergency in the Province of Ontario. Shortly thereafter, a wide range of measures and closures came into effect.
- 25 On March 20, 2020, in light of the measures associated with the COVID-19 pandemic, I advised the Respondent's legal counsel that his appearance scheduled for April 6, 2020, was postponed *sine die*. (see Appendix 13)
- 26 On March 25, 2020, the Mayor of the City of Ottawa declared a state of emergency due to the COVID-19 health crisis. Then on March 28, 2020, the Province issued an emergency order prohibiting gatherings of more than five people. As it became clear the COVID-19 measures would be in place for some time, and in an effort to avoid undue delay to the inquiry, I decided the interview would have to proceed by way of a teleconference.
- 27 During this time, the Respondent appeared to resume some of his official duties. Specifically, the Respondent attended the City Council meeting of February 26 and participated in the Special City Council meetings of March 26 and April 8 (by teleconference). He also appeared to be resuming some of his constituency duties and was active on social media (including a personal video message he posted on March 22).
- 28 No updates were offered by the Respondent or his legal counsel with respect to the Respondent's medical recovery. It continued to be my understanding that the Respondent's anticipated return to work date was March 24, 2020 (although it is clear he had already returned to some of his duties almost a month earlier).
- 29 On April 14, 2020, I advised the Respondent and his legal counsel that because of the COVID-19 health crisis, the interview was rescheduled to May 6, 2020 and would proceed as a teleconference. I requested confirmation of the Respondent's participation. (see Appendix 14)
- 30 On April 17, 2020, I received a response from the Respondent's legal counsel and was advised that the Respondent had experienced another medical

emergency on April 14, 2020. (see Appendix 15) I was also provided with a medical certificate from the Respondent's reassessment on March 26, 2020 which stated the Respondent was to remain off work until June 29, 2020 (despite that advice, the Respondent again participated in the April 8 Council meeting).

- 31 In addition to the update on the Respondent's medical situation, the Respondent's legal counsel argued that, in his opinion, the Respondent had not been properly served with any summons. Taking into consideration the efforts of the previous months, I responded to his legal counsel on April 24, 2020 (see Appendix 16) and provided the Respondent with notice that the May 6, 2020 interview was cancelled and advised that no further requests for interviews would be made. If the interview had proceeded as planned and the Respondent had failed to attend as summonsed, I would have had the option to apply to a court, under the *Public Inquiries Act, 2009* to have Councillor Chiarelli held in contempt for his failure to comply with the summons. However, I determined that I would not pursue this course of action as the costs of such a Court application would be an added City expense. I am conscious of the fact that the investigation is funded ultimately by the taxpayers, and I do not intend to increase costs with further efforts to compel the Respondent's participation.
- 32 I also informed the Respondent's legal counsel that in the absence of his participation, I intended to rely on the Respondent's public statements as his response to the allegations set out in the formal complaints and would proceed with making my findings and reporting to Council as appropriate.
- 33 On May 12, 2020, I received a response from the Respondent's legal counsel in which he asserted that the Respondent had in fact provided confirmation of his intention to participate in the investigation in past correspondence. (see Appendix 17) I disagree. Neither the Respondent nor his legal counsel ever asserted such in any of the correspondence. The Respondent's legal counsel also stated that there is no obligation on counsel to accept service of a summons on a client's behalf. I was further advised that the Respondent's legal counsel had received instructions to move forward with an application for Judicial Review.
- 34 On May 12, 2020, I provided the Respondent with a final opportunity to provide his firm and unequivocal commitment to participate in the investigation when he was medically cleared to do so, by end of day on May 15, 2020. (see Appendix 18) I received no response from the Respondent or his legal counsel.

- 35 At all times during the inquiry, and in accordance with the Complaint Protocol, the Councillor was afforded the opportunity to provide written responses, information, and documentation, to be interviewed and to present his position in response to the allegations. Because of his refusal to respond to an invitation to participate, I issued a summons for his appearance to provide testimony under oath. He contested that the summons was properly served, although there is no doubt that it was brought to the Respondent's attention.
- 36 Shortly after a judicial review pre-hearing conference in August 2020, on September 3, 2020, through my legal counsel, I extended an offer to interview the Respondent in writing. (see Appendix 19) My legal counsel received no response to the offer.
- 37 As a result, I have opted to file my report with Council relying on the Respondent's public statement of October 3, 2019<sup>1</sup>, as his substantive response to the two complaints addressed herein (see Appendix 2):

*"I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion."*

### ***Duty of Confidentiality***

- 38 The *Municipal Act, 2001* stipulates:

*Duty of confidentiality*

*223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

- 39 During the course of the investigation, both complainants and witnesses expressed fear and anxiety about participating in the inquiry. They were apprehensive that the Councillor could use his position, authority and his powerful contacts in the community to negatively impact their reputations or their current and future employment, in retaliation for their coming forward to testify.

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<sup>1</sup> While the Notice of Inquiry regarding Complaint 2 had not yet been provided to the Respondent, I took his statement to apply equally to the allegations contained in Complaint 2.

- 40 I have not received any evidence of actual reprisals. I am aware that a private investigator did attempt to contact one of the witnesses on behalf of the Councillor, but no actual exchange took place. The witness was first contacted on April 28, 2020 and a voicemail was left for the witness in which the private investigator identified himself and stated that he was investigating things on behalf of the Respondent. In the voicemail, the private investigator informed the witness that he “wanted to clear up a few things with [her] and get [her] opinion on some things in question.” The witness did not return the call and was contacted a second time on May 7, 2020. The witness did not take the second call and no voicemail was left.
- 41 While there are serious consequences for a respondent who retaliates against complainants and witnesses, in light of the expressed concerns and my duty of confidentiality, I have again exercised my discretion, and I have not disclosed the names of the complainants and witnesses in this report. However, because of the documentary evidence and summaries of oral testimony contained in this report, I have no doubt that the Respondent on reading this report can determine the identity of the individuals. Redactions in this report simply aim to protect the names of the complainants and witnesses from the public.

### ***Delegation of Investigative Powers***

- 42 The formal investigation into the first of the five formal complaints began on September 17, 2019. Given the nature of the allegations, I sought out expertise in harassment investigations. After reviewing the profile of four companies and interviewing three of the said firms, I retained the company that in my view best fit the complex nature of these complaints. The seasoned investigator had specific experience in conducting harassment investigations.
- 43 The Investigator was delegated the responsibility for the investigation in accordance with s. 223.3 of the *Municipal Act, 2001*:

#### *Delegation*

*223.3 (3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.*

Same

*223.3 (4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.*

*223.3 (4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.*

- 44 The Investigator was tasked with gathering evidence, conducting interviews under oath and providing a detailed analysis of the relevant facts as part of an investigative report.
- 45 The following excerpt from the investigative report describes the scope of the investigation:
- “The investigation was conducted by interviewing complainants and witnesses under oath. In total 34 individuals have been interviewed by this inquiry, 26 of them providing sworn testimony which was recorded [the remaining eight individuals affirmed their statements to be true]. Among the 26 individuals were the five complainants; past, current and potential employees of the Respondent; individuals to whom the complainants had confided their experiences; City of Ottawa officials and employees. The investigation examined extensive email, Facebook messages, photographs and text messages provided by complainants and witnesses.... The investigation reviewed an extensive “keyword” search of [documentation] and...cell phone records. City of Ottawa Human Resource department records were examined. The investigation also reviewed [relevant] public social media entries.”
- 46 The witnesses either (i) approached the Integrity Commissioner’s office directly or (ii) were identified by a complainant or another witness and the Investigator contacted the potential witness. All of the witnesses participated voluntarily.
- 47 The majority of this intensive work was accomplished by December 10, 2019 in an effort to meet the 90/180 day objective for reporting dates in the Complaint Protocol.
- 48 I sought to meet with the Respondent on numerous occasions. As detailed above, the Respondent never agreed to participate and never replied to the notices of inquiry.

- 49 On February 4, 2020, the Investigator submitted a summary of her investigation performed to date, without the Respondent's input, pending a decision on his participation.
- 50 Pursuant to my interim report to Council of May 27, 2020, I instructed the Investigator to submit her final investigation report, without an interview with the Respondent. I received her final report on June 18, 2020.
- 51 If, in the course of an inquiry, municipal integrity commissioners determine that there are reasonable grounds to believe that a contravention under another Act has occurred, they have an obligation to suspend that aspect of the inquiry and refer the matter to the appropriate authorities:

***Reference to appropriate authorities***

*223.8 If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act, other than the Municipal Conflict of Interest Act, or of the Criminal Code (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to council. 2006, c. 32, Sched. A, s. 98; 2017, c. 10, Sched. 1, s. 23.*

- 52 On review of the testimony of several individuals interviewed by the Investigator, both complainants and witnesses, I did determine that there are reasonable grounds to believe that contraventions of other Acts have occurred.
- 53 As prescribed in Section 223.8 above, I did not investigate those issues and referred the matters to the appropriate authorities.
- 54 While not required by the Complaint Protocol, on October 23, 2020, I provided the Respondent, through his legal counsel, with a copy of my draft report to City Council and invited him to comment on it. The Councillor was given a deadline of October 30, 2020 and advised of my intent to report to Council on November 25, 2020. My legal counsel received a response from Councillor Chiarelli's legal counsel on October 30, 2020 (see Appendix 20). The letter stated that Councillor Chiarelli remains medically unable to participate in the process. Counsel's only substantive comment on the draft final report was that there was calculated use of "highly-charged terms like "grooming" and "Stockholm Syndrome". To clarify,

those terms were used by the complainants and witnesses and were not selected by the investigator or by me. On November 2, 2020, I instructed my legal counsel to offer the Councillor, through his legal counsel, a final opportunity to confirm he would definitively participate in an interview when he was medically cleared to do so and to suggest measures that could be taken to facilitate this process for the Councillor (see Appendix 21). The Councillor was provided 24 hours to respond. No response was received.

- 55 I reviewed the investigation report, along with the sworn testimony summaries, the recorded oral interviews, and the documentary evidence gathered by the Investigator. I have also carefully reviewed the Respondent's published October 3, 2019 statement in which the Councillor wholly denied the allegations respecting his conduct.
- 56 Based on this body of evidence, the analysis of the facts, the Investigator's report, and the Councillor's public statement of denial, I prepared my final report to City Council with my findings and recommendations.
- 57 Pursuant to the Complaint Protocol, I filed my final report with the City Clerk on November 3, 2020.

## **BACKGROUND AND STRUCTURE OF THIS REPORT**

- 58 As part of her investigation, the Investigator interviewed each complainant, under oath or affirmation, and gathered documentary evidence relevant to the inquiry.
- 59 In addition, the Investigator interviewed various witnesses. All witnesses have affirmed or sworn an oath that their statements are true.
- 60 For ease of reference the complaints are dealt with in the following structured manner:
- Each complaint is dealt with separately.
  - Each allegation within the complaint is dealt with separately.
  - First, the testimony of the complainant is summarized, with supporting documentation noted.
  - Second, the testimony of witnesses that is relevant to the specific allegation of the complainant is summarized, with supporting documentation noted.

## **Similar Fact Evidence**

- 61 Some witnesses present direct corroborating evidence. Other witnesses present what is referred to as “similar fact evidence”. Similar fact evidence is rarely admissible in criminal cases; however, the general rule of admissibility is more flexible in civil cases. I have taken into consideration similar fact evidence when I deemed it relevant and of such “striking similarity” whereas proof of a fact in issue requires only that there is an objective improbability of coincidence.<sup>2</sup>
- 62 The purpose of this evidence is to demonstrate an established pattern of conduct, which make it more likely that the alleged misconduct took place and is addressed in the Analysis section of this report. I did not admit all of the similar fact evidence.

## **Complaint 1**

- 63 Complainant 1 worked in the Respondent’s office from December 2018 to June 2019. Working with Complainant 1 during that period were the following individuals:
- Witness 1: Worked for the Respondent from October 2017 to May 2019. Her position in the office was initially Constituency Liaison, and later Director of Operations.
  - Witness 2: Worked for the Respondent from January 2019 to April 2019. Her position in the office focused on media communications.
- 64 The Investigator also interviewed three other witness who provided testimony relevant to the allegations of Complainant 1. All three witnesses worked in the Respondent’s office within months of Complainant 1:
- Witness 7: Worked for the Respondent from April 2018 to November 2018.
  - Witness 8: Worked for the Respondent from June 25, 2018 to July 26, 2018.
  - Witness 9: Worked for the Respondent from July 2019 to December 2019.

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<sup>2</sup> R. v. Handy, 2002 SCC 56 (CanLII), [2002] 2 SCR 908, <<http://canlii.ca/t/51r6>>, para. 82.

65 Complainant 1 was interviewed under oath by the Investigator on October 21, 2019. In the final report, the Investigator provided a summary of Complainant 1's sworn statement. Excerpts from the summaries of Complainant 1's statement and testimony, that are relevant to the allegations, are set out below. Also included are excerpts from the statements of witnesses that are germane to Complainant 1's allegations and evidence.

66 **Allegation 1**

**“During a job interview with Councillor Chiarelli, the Councillor asked the individual if she would be willing to go “on assignments” to flirt with men at networking events, including at bars, to convince them to volunteer for the Councillor’s office and give the Councillor’s office information, and told her that this was a very regular practice.”**

67 In her report to me, the Investigator provided the following summary, in relevant part, of Complainant 1's experience during her job interview that led to her working in the office of the Respondent:

“[Complainant 1] had been working at Ralph’s Sports Bar in December 2018 when she met the Respondent. He frequented the bar and one day he had consulted [Complainant 1], who was in a supervisory role at the bar, about using the bar to host an election party. In time, the venue was determined not to be large enough to host the party. [Complainant 1] had then removed the Respondent’s particulars from her phone. A few weeks later the Respondent contacted her by text to canvass whether she was still interested in doing small assignments for him. [see Appendix 22] [Complainant 1] had to ask who it was that was texting her. She didn’t recall having discussed any possible assignments with the Respondent, she thought his inquiries could have been related to bartending. [Complainant 1] said the Respondent indicated it related to a bigger role for her and they arranged to meet at the Big Rig pub on Dec 13, 2018.<sup>3</sup> [Complainant 1] said the Respondent texted that he would be wearing a suit and inquired what she would be wearing. She indicated she would dress casually, and the Respondent then asked “BTW what’s your long-term plan? And is everything we say confidential?” [Complainant 1] reassured him it was, and they arranged to meet at 9pm on Dec 13, 2018.<sup>4</sup> [Complainant 1] described the meeting as very casual. She wasn’t clear at first whether it was a job interview

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<sup>3</sup> Date corrected from investigative report (Dec 13, 2019 to Dec 13, 2018)

<sup>4</sup> Date corrected from investigative report (Dec 13, 2019 to Dec 13, 2018)

since she was having a glass of wine and the Respondent was talking about his career and asking her about movies, food and music. The Respondent told [Complainant 1] he liked the movies In the Loop and Mission Impossible. [Complainant 1] said that the Respondent talked about staff in his office and asked her if she'd wear a bikini in a movie. He said he'd been a judge at a film festival. [Complainant 1] said he wondered if she'd travel to Florida to film something and asked if [Complainant 1] could legally cross the border. [Complainant 1] said that the Respondent talked generally about the role in his office she could fill and how some of the duties related to getting volunteers to help out. The interview lasted 2-3 hours. After the meeting and when she was home that evening, the Respondent texted her again saying "I forgot to tell you one other requirement. Can you call for 1 minute?" [see Appendix 23] She said that when she called [see Appendix 24], the Respondent asked if she was willing to go on secret assignments and he repeated the need for keeping things confidential between them. She said the Respondent wanted her to go to random networking events at bars where she should flirt with men to both convince them to volunteer, and to get information for his office. [see Appendix 25] [Complainant 1] stated that they arranged to meet again on December 15, 2018<sup>5</sup> and she described that meeting as being stranger than the first. [see Appendix 26] [Complainant 1] said the Respondent told her she would be hired and that her assignments would be referred to as the 'NOC list' meaning non-official cover which she observed was a term that she thought had come from the movie Mission Impossible. Her position would be referred to as one dealing with "constituency matters".

"During the second job interview on December 15, 2018, [Complainant 1] had told [the Respondent] that she had previously been a dancer, but that she hadn't danced in over a year. [Complainant 1] just wanted [the Respondent] to know, because she wanted to move forward with honesty and transparency. In case it ever came up, she didn't want [the Respondent] to be blindsided."

- **Witness 1:** "[Witness 1] stated her first contact with the Respondent was when he reached out to her on August 27, 2017, via Facebook. She stated she did not know of him prior to that. [Witness 1] theorized that because the Respondent had interviewed one of her workplace colleagues perhaps that was how the Respondent found her. The Facebook conversation began at 11:27 pm and went on until August 28 at 2:13 am. [see Appendix 27] A great

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<sup>5</sup> Date corrected from investigative report (Dec 15, 2019 to Dec 15, 2018)

many topics were covered in this discussion. The Respondent commented to [Witness 1] that his business was probably like [Witness 1's] (in the restaurant industry) where people somewhat sexually harassed women. The Respondent then added, "but most say there is no point in making a big issue out of it for many of the same reasons you're in business". [Witness 1] found his comment to be weird and off-putting. She responded in a detailed manner that explained she knew sexual harassment was wrong. The Respondent then wrote "Well if it is significant, and if the woman wants me to, I can handle it in some unconventional ways" The Respondent also told [Witness 1] she would need to assume a "chameleon" identity for events and provided an example of one staffer going to three different events in one day and still later being "that girl" at the bar/club event, all the while keeping to the mission which is often not obvious to anyone else at the venue. The Respondent spoke of how individuals should dress before [Witness 1] was interviewed when he wrote "... what I hate most is when they ask me what I think they should wear, I tell them, and then they get all offended ...because it isn't what they were thinking", and "And I know what works." The Respondent continued "And in many cases, a female can manipulate males that way. Because guys are often stupid or at least temporarily stunned." Closer to the end of that same exchange when they were setting up a meeting time, the Respondent told [Witness 1] everything would have to be done secretly and also noted loyalty is absolute, as is confidentiality. The Respondent wrote that [Witness 1] did not need to dress formally but she "...could dress like one of the events you might go to. But formal is stuffy." [Witness 1] told the Respondent she was good with fashion. The Respondent then told her "Even you will need to be outside your comfort zone sometimes." The conversation continued about dress with the Respondent telling [Witness 1] "...Some are scary and super-hero-ish. Some are quasi skanky. Some are just impressive." The Respondent closed by telling [Witness 1] it had been an odd Facebook exchange but random was better than running an ad.

[Witness 1] met the Respondent for an interview on August 29, 2017. [Witness 1] described her interview as something that went on for a number of hours. She was told stories by the Respondent about previous staff members, sexual acts that they had committed and how those had come to pass in the office. [Witness 1] was told stories about previous staff members and what they wore, how she would be required to dress in all different kinds of ways. [Witness 1] said the Respondent asked if she would be willing to or

not willing to wear a bra to specific types of events. [Witness 1] was asked if she had previously sold drugs, or been a dancer, or been a prostitute, or if she had children and then was told that none of that would have any effect on whether or not she would be hired – but that it would play a role in what types of events she would attend. During the 3 months before [Witness 1] was hired, the Respondent would send her numerous photos of other women he claimed he was interviewing for the role she was pursuing, and she did not know why.”

68 **Allegation 2:**

**“Showed her pictures on his phone of his previous staff and told her to wear revealing clothing, as a member of his staff had done, when she was to go ‘on assignment’.”**

- “[Complainant 1] said that in conversation with the Respondent, he alluded to no bra being required by explaining how previous staffers dressed, for example referring to a Daisy Duke outfit which she would understand to mean to dress without a bra.”
- “[Complainant 1] asked [the Respondent] to show her pictures (sic: of the type of clothing he expected her to wear.) [The Respondent] showed [Complainant 1] a picture of who [Complainant 1] believed was [name redacted] wearing this white sort of cut off T-shirt that showed the side of her breast. [Complainant 1] thought it had a picture of [the Respondent] on the back of it with [Councillor Chiarelli] slogan or “something.” The shirt was cut out under the arm with a large opening. [Complainant 1] said she couldn’t remember if the person’s face was showing. [The Respondent] did show [Complainant 1] other pictures of [name redacted] in her Comicon uniforms. The pictures were pretty provocative looking, but [Complainant 1] didn’t even know why [the Respondent] had them. [Complainant 1] didn’t know whether [name redacted] went to Comicon on an assignment for him or whether she just enjoyed doing it for a hobby herself. The picture was of [name redacted] in her Comicon outfit, a super-hero costume. [The Respondent] would tell her to wear things that would show off side boob like [name redacted] did when she went on assignment. [Complainant 1] couldn’t remember if the Comicon picture was at a Comicon event or not. The side breast photo appeared to be a club event or in a club atmosphere. In the photo of [name redacted] and the side breast, her head was turned away slightly. There was a guy in the photo that was pointing at the picture on the back of her shirt and [Complainant 1]

recalls [the Respondent] making a comment along the lines of the man did not care how much [name redacted] was showing because he was more interested in the [Councillor Chiarelli] logo.”

- **Witness 1:** “The Respondent spoke of a former staffer [name redacted] who left a box of this clothing at his house when she moved on from the office and in particular one Canada Day shirt that had both the front cleavage and side cleavage cut out. It was cut into a crop top and the Respondent talked about how great [the former staffer] looked in this top and how he would want other staff members to wear that top on Canada Day because it worked really well. A diamond surrounding the cleavage in the front was cut out and the “side boob” was cut out under the armpit on the side. [Witness 1] was asked at that time whether or not her breasts were real and that it would play into what type of clothing she could or could not wear to events.”
- **Witness 2:** “[Witness 2] stated she had known the Respondent for approximately 6 years having met him through mutual friends. The Respondent had reached out to her through Facebook in mid-December 2018 asking if she knew of anyone who would be interested in working in his office. [see Appendix 28] She described how he insisted on an evening meeting at a Starbucks to discuss the matter and so she met with him at the College Square Starbucks at 8:30 to 9:00 pm after the Respondent was 1.5 hours late. The actual job requirements of the position were discussed for five minutes and the majority of the 1.5-hour meeting was spent by the Respondent telling her stories of his previous staff members, relating how they looked and what they would wear. She stated that he related a story about sending two staff members to Blind River to go into a bar to get information on a city issue. [Witness 2] left the meeting feeling uncertain about whether the meeting had indeed been a job interview since it didn’t feel as though it was. Nevertheless, she went to a second interview a short time later at the Big Rig on Pinecrest in Ottawa at 7:30 pm with the Respondent again arriving late. The meeting followed the same structure as the first one where the Respondent related stories of his past but focussed on a political staffer he named who did work as a costume play model. She stated that he talked a lot about what she would wear, things that would show off her breasts and particularly “side boob”. She stated that she was asked by the Respondent what she would wear [to an event] and she replied she would

want to dress professionally. [Witness 2] was employed by the Respondent [in January 2019].”

- **Witness 8:** “The Respondent had made comments suggesting [Witness 8] go braless by telling her others had done so, but [Witness 8] would not compromise her standards. He wanted [Witness 8] to select an outfit from his collection of clothing left by a previous employee in order to prepare for Canada Day. [see Appendix 29] The two met at a restaurant for the purpose of [Witness 8] trying on the clothing the Respondent provided. [see Appendix 30] There was a Canada Day shirt that the Respondent wanted [Witness 8] to wear that was so revealing that her breasts were barely covered. It was something that resembled rags to her because it was so cut up. [Witness 8] selected the least revealing of all options, not modelling any of them for him. It was a see-through top with spaghetti straps, and low cut [see Appendix 31]. [Witness 8] never returned the shirt. The Respondent was planning to do a “test run” with [Witness 8] and [Witness 7] that never came to pass. He described [Witness 7] to [Witness 8] as a person who was very sexual, willing to do anything, willing to do what he asked.

The Respondent and [Witness 8] attended Bluesfest on July 7, 2018 which was her first event given she did not do the test run on Canada Day. During a text exchange just prior to the event [see Appendix 32], the Respondent told [Witness 8] to wear the white top he had given her. [Witness 8]’s mother saw the outfit [Witness 8] was planning on wearing, including the top the Respondent provided, and refused to let her daughter leave dressed in that manner. [Witness 8]’s mother insisted she change as [Witness 8] could not represent the City of Ottawa dressed in such revealing clothing. The festival was uneventful and afterwards [Witness 8] saw no reason for her to have been there in the first place.”

### 69 Allegation 3

**“Took her to a bar, bought her drinks until 2 a.m. and told her stories of his employees who got men drunk and danced with them until they ejaculated, and told her that he wanted her to convince men that she would have sex with them so they would volunteer for the office or give information to her for the office, but that he would fire her if she did have sex with them.”**

- “[The Respondent] told [Complainant 1] that [name redacted] would dance with men until they ejaculated, and that [name redacted] would also participate in the events as well. [The Respondent] told her [name redacted] was really good at it.”
- “[Complainant 1] was asked to explain when [the Respondent] took her to the bar and bought her drinks until 2 am. [Complainant 1] was unsure what [the Respondent] expected of her at the random networking events. [The Respondent] never told [Complainant 1] to do the things that [name redacted] did, but he told [Complainant 1] stories to imply that was what he expected. That is how [Complainant 1] interpreted it. [The Respondent] told [Complainant 1] he wanted her to convince men that she would have sex with them to volunteer for the office but not that she had to dance with them or anything, just to flirt with them and get them drunk and that they would be so embarrassed that they got drunk, they would not want to tell anyone about it and so they would volunteer. [The Respondent] did tell [Complainant 1] that if she actually slept with them, he would have to fire her. [The Respondent] mentioned [name redacted] and [name redacted] did a lot of these events, they would go home with these men and [the Respondent] would follow them and pick them up and that he would go to the bars with them. [The Respondent] said that if [Complainant 1] did any of these events that he would go to the bars with her as well to make sure that she was safe. [Complainant 1] advised that she and [the Respondent] sat a table close to the bar at Tailgators and [the Respondent] went on about his random stories. [Complainant 1] was trying to get a better understanding of what the NOC list [“nonofficial cover”] assignments would look like, and it was at that point, that [the Respondent] told her he wanted her to convince men (as described above) to volunteer for the office and for her to obtain information. [The Respondent] wanted information on his colleagues or people that may be opposed to him, he didn’t say specific information, he wanted to know what they were up to or if they had information on [the Respondent]. [The Respondent] wanted them to be used as plants for [the Respondent] and [the Respondent] thought the Mayor always had plants that would email [the Respondent]. [The Respondent] wanted these people to do this nonofficial cover (NOC) work for him. The reason [Complainant 1] was to convince the men she was going to have sex with them would be as a means that they would do something for [the Respondent] in return, spying essentially on whomever [the Respondent] thought were out to get him. The people would

be volunteering to act as spies, or plants to send random emails, or apply for jobs in other people's offices and spy in order to obtain information for him on his colleagues is the way [Complainant 1] understood it. [Complainant 1] never actually went on any of the bar assignments. [The Respondent] never told her to approach specific people, it was more of [Complainant 1] going to sit at a bar and wait for a guy to approach her if she was dressed the right way. [Complainant 1] was to flirt with the men and bring the conversation back to volunteering for [the Respondent]'s office to do the sort of things described. [The Respondent] told [Complainant 1] if she ever actually did have sex with the men, then he would have to fire her as it would look like she prostituted herself out for his office and [the Respondent] could get in trouble. [The Respondent] bought her wine throughout the night. [Complainant 1] said she had at least 5 glasses of wine, maybe more, between 9pm ([Complainant 1] said it could have even been before 9pm) and 2am. She could feel the alcohol but was still coherent and understood what was being said and what she was doing. [The Respondent] never had a drink of alcohol to her knowledge."

- **Witness 1:** "The Respondent told her a story about a previous staff member who was grinding with a man at a bar event and ejaculated in his pants and because the man was so embarrassed, the staffer was able to get him to be a really great volunteer for the office. [Witness 1] did not know who the staff member was."

## 70 Allegation 4

**"In a text message, told her to wear something "sexy" to an event, "not ho-ish" and "no bra required".**

- "For an event on January 7, 2019, the Respondent suggested [Complainant 1] dress "sexy," not "ho-ish," and he said "depending on the dress, no bra required" and she was to wear black, blue or red. [see Appendix 33] [Complainant 1] wore a plain black cocktail dress. [Complainant 1] stated that when she asked the Respondent what she should wear to the event, she was not really asking for the feedback he gave. She said she meant - did the Respondent still want [Complainant 1] in office attire so she looked like his assistant or did he want [Complainant 1] to be dressed in cocktail attire. She stated that at no point did she ask the Respondent to be blunt or critique her in that way."

71 Allegation 5

**“Made inappropriate comments regarding matters such as her appearance and body, nicknames for her and her co-workers, sexual activity having occurred in the office, others’ sexual interest in him and others’ belief that he had sexual relationships with members of his staff, including her.”**

- Complainant 1 stated that “[t]he Respondent wanted to give nicknames to people so he could hide who he was talking to or what he was talking about if ever there came to be something like this (an investigation). [Complainant 1] found the names to be degrading and offensive. In a text on January 4, 2019, the Respondent and [Complainant 1] discuss the nicknames. [Complainant 1] was ‘Isla’ – Mission Impossible rogue nation that has a nice knife scene. [Witness 1] was ‘Max the Arms Dealer’. [Witness 2] was ‘Foxy Cleopatra’ a character from a movie. [Complainant 1] did not know if there were other nicknames for people.” [see Appendix 34]
- “[Complainant 1] stated the Respondent made comments to one of her colleagues that it was too bad that [Complainant 1] was wearing a bra at one of the events because the person sitting across from them had the last name of [name redacted] and the Respondent thought it would have been funny if [Complainant 1] didn’t have a bra on and was sitting next to this person.” (see Appendix 35)
- “After an event on January 7, 2019, the Respondent engaged in a lengthy text exchange with [Complainant 1] alleging a woman at the event was making sexual comments about [Complainant 1] including that she had “good boobs” and the woman was insinuating that the Respondent and [Complainant 1] were engaged in a sexual relationship. [Complainant 1] does not believe that the [Respondent’s] conversation [with “the woman”] ever happened. [Complainant 1] believes it was the Respondent’s way of hitting on her. [Complainant 1] said although she was making jokes within that exchange, the conversation made her feel very uneasy. [Complainant 1] said in many situations she tried to deflect the tone he was setting in the conversation by using humor as a defence mechanism because it [the conversation] made her uneasy.” (see Appendix 36)
- “On June 3, 2019 the Respondent initiated a lengthy text exchange with [Complainant 1] that was sexually explicit in nature. [Complainant 1] was very

offended by the conversation and said it was an example of the Respondent claiming a citizen wanted to have a sexual relationship with him.” (see Appendix 37)

- “The Respondent told [Complainant 1] stories of a staffer sleeping with [Councillor names redacted]. The Respondent called the staffer a slut and said she had likely passed on STD’s to another male. The Respondent told [Complainant 1] that other people had sex on and under [Complainant 1]’s desk and that she should clean it before [Complainant 1] caught something. The Respondent told her that one of his male former staffers had taken apart an office chair and put a lid from a can of tuna between it and put it back together causing it to smell so that the girl that was sitting there would think that something was wrong with her. The Respondent said that the male employee had hidden cameras in the office to videotape himself (male employee) having sex with whatever girl was working in the office at the time. The Respondent told [Complainant 1] she didn’t need to worry as the Respondent had found the cameras and removed them from the office.”
- “In a series of texts on February 17, 2019 the Respondent and [Complainant 1] are discussing potential assignments and the Respondent at one point refers to two girls he knows, who are escorts and the Respondent told [Complainant 1] the escorts were baffled that the Respondent didn’t try to “boink” them.” (see Appendix 38)
  - **Witness 1:** “The Respondent told [Witness 1] that a previous staff member, he did give a name but [Witness 1] could not remember who it was, had had sex with [Councillor name redacted] under her (the staffer’s) desk which was eventually [Witness 2]’s desk. They were told a number of sexual acts had happened in the office and the Respondent finally caught on because he saw people sneaking into the office after hours on a camera in the hallway on Councillor’s row.”
  - **Witness 2:** “The Respondent told [Witness 2] - that is your desk over there but be careful as the chair may have stains on it and it may smell because [Witness 7] and [name redacted] had sex on that desk. [Witness 2] doesn’t know if that actually happened. She would like to believe it didn’t because in her view that is just “mean.” That was her first day. [Witness 2] said to the investigator “I am not kidding but the scarf that I am wearing now, I washed it many many times, I stuck it immediately over the

chair and we ordered new ones the first week I started, that never came in. Because I was like, what the fuck! Like no. It was shocking”. [Witness 2] said she wouldn’t sit on her chair unless it had her scarf on it. The Respondent told that story often. [Witness 2] could not be specific as to when the Respondent said it again, but he alluded to people having sex in the office every so often. [Witness 2] didn’t know if anyone actually did have sex in the office, but she sincerely hoped that the Respondent would have done something about it. The Respondent seemed to be totally fine with it. [Witness 2] never said anything in protest to him, she didn’t know how to react when he said that, she didn’t know how to question it, she didn’t know politics and didn’t know if that was normal. [Witness 2] said the next day she brought Lysol wipes and disinfected her desk. In this situation, given the craziness of politics, she thought it might have been condoned. [Witness 2] questioned why the Respondent had to disclose personal information about others to her. It seemed to her entirely inappropriate.”

- **Witness 7:** “He also spoke of sexual encounters involving other councillors or City staff and expressed how [Witness 10] liked older women. [Witness 7] never had sex in the Respondent’s office. [Witness 7] felt [Witness 1] would sometimes embellish stories to make the Respondent seem “cool.”

The Respondent spoke of other women having a sexual interest in him. [Witness 7] provided the example of the Respondent saying an elderly constituent had the hots for him which she believed because the elderly ladies loved him. It was more funny than uncomfortable.

[Witness 7] did not believe the Respondent had any sexual interest in staffers. [Witness 1] and [Witness 7] joked that he was the least sexual man they had ever met but said the most sexual things they had ever heard. [Witness 1] and [Witness 7] did not feel uncomfortable by him, they did not feel he was creepy, he may have said creepy things, but it was never for his own sexual gain. [Witness 7] noted that despite the sexual nature of a lot of comments he made, for the Respondent it seemed like it was a tactic rather than sexual or inappropriate in his head. It always seemed like a game, it was like staff were a pawn used to assist sexually, not ever for him.”

- **Witness 9:** “[Witness 9] advised the Respondent had spoken of a Councillor having sex on his desk in the office. The Respondent did not go into detail, just laughed saying it was his office people had sex in.”

## 72 Allegation 6

**“Told her to keep “bar assignments” secret, continued to tell her about “assignments” he wanted her to go on, had her attend events that she felt occurred at inappropriate times and for which she felt she had no reason to attend (for example, an event at a night club).”**

- “[Complainant 1] detailed how the Respondent wanted her to go on assignments at random bars and to not discuss this with her co-workers, including statements regarding [Witness 1] and [Witness 2]. The “grooming” behaviour started very early on for [Complainant 1] where the Respondent would discuss the events, many of which [Complainant 1] has text conversations. Some examples are: on December 19, 2018, in part the Respondent said to [Complainant 1] “We need to go over the plan again. While this is a fairly easy one, it is also your first...” [see Appendix 39(a)]; on December 21, 2018, in part, the Respondent said to [Complainant 1]: “...We can target a different Saturday for a first sneaky networking of randoms [sic] at those places...” and he would perfect a system to catalogue the different types of contacts/enthusiasts [see Appendix 39(b)]; on January 4, 2019 the Respondent described [Witness 2] as being very by the books so wouldn’t be the right fit for random networking events [see Appendix 39(c)]; on January 26, 2019 at 11:44 pm the Respondent texted [Complainant 1] saying he just returned from three events and suggested to [Complainant 1] if she would have attended she could have changed to get someone for his “noc list of knee-cappers at a random networking event...” [see Appendix 39(d)]; on June 5, 2019 the Respondent told [Complainant 1] that she or the right part-timer but not [name redacted], would have to go on an event after fireworks on Canada Day.[see Appendix 39(e)]”
- “In a text dated December 28, 2018, after [Complainant 1] asked the Respondent about any potential employment for her boyfriend. The Respondent asked her if her boyfriend would be jealous or be “ok” with her doing “bar assignments” and if the boyfriend knew of her previous employment as a dancer. The Respondent then changed the subject and told [Complainant 1] he approved of how she looked on the job. The Respondent

said [Complainant 1] had “nailed it” with what she had worn and her hair was perfect. [Complainant 1] stated she had never asked the Respondent to critique her in that way. [Complainant 1] responded “...And thank you for the feedback. I’ve never had an office job before so any and all critiques are very useful for me. And I’m glad you like my hair lol”. [Complainant 1] stated she responded in the manner she did to be polite.” (see Appendix 40)

- “On January 28, 2019, a lengthy text exchange occurred between the Respondent and [Complainant 1] regarding the assignments and targeting specific individuals [see Appendix 41]. [Complainant 1] asked what NOC meant as she didn’t understand when he told her “knee cappers”. He said it was a “Mission Impossible term for a list of people who would help by doing what we need done but never revealing they are doing it because we asked them to.” He told [Complainant 1] it means “non official cover” and a “real life spy agency use it too.” He continued “You can’t trust them [targets] so you need things to move to a point where they feel they can’t betray you. It would always be guys...” and, “that there was a formula that worked for someone who could do it”. The Respondent told [Complainant 1] not to speak about the NOC assignments in front of [Witness 2]. He said “I know what works so hopefully you will agree...”. He spoke negatively about the abilities of [Witness 1] and [Witness 2], including that [Witness 2] was lacking “big boobs.” [Complainant 1] did not believe that this was something that [Witness 2] had said but rather in the way the Respondent viewed her. He also said in that same string of texts “This type of assignment is super-secret because it could appear manipulative.” The Respondent told [Complainant 1] he had samples of clothing for her to wear on NOC list assignments.”
- “[Complainant 1] felt the Respondent wanted her to keep the assignments secret, he knew [Witness 2] was a very professional person and that [Witness 2] would know the assignment was not appropriate, the time of day for the assignment sometimes was not appropriate, and she felt because [Complainant 1] told him she had been a dancer previously, the Respondent assumed that she was a loose woman and that he could speak to her in that way (crying). The Respondent did tell [Complainant 1] that he didn’t think [Witness 2] had any street smarts [see Appendix 39(c)], which [Complainant 1] believed was the Respondent’s way of saying [Witness 2] knew better. [Complainant 1] felt [Witness 2] would not accept the ‘random networking’ as

normal because she has worked in an office capacity before and knew how professionals were supposed to behave.”

- **Witness 1:** “[Witness 1] advised the volunteers were this elusive list that they were always to be recruiting towards without receiving any training or information about how to do so. The NOC list was people who would be willing to do covert ops so if they wanted someone to do an op ed in the paper or they wanted someone to tweet or Facebook on their behalf, they would be people who had real existing Facebook, Twitter, accounts or were real people from the ward who would be able to come to [the Respondent]’s defence in any given circumstance.”

### 73 Allegation 7

**“Exhibited abusive behaviour towards her and her co-workers including making fun of and speaking down about her and her co-workers, telling her that constituents and co-workers hated her, creating fear in the office by making threatening comments about negative actions he would take against a staffer who had quit and blaming that staffer’s departure on her.**

- “[Complainant 1] stated that the Respondent was frequently sowing doubt in the minds of his staff about the trustworthiness of other colleagues in a way that [Complainant 1] suggested was deliberate. For example she referenced the text messages of December 28, 2018 [see Appendix 40] and January 4, 2019 [see Appendix 39(c)] about her past employment. [Complainant 1] said it really showed the manipulation and how the Respondent would spin the story and was immediately using it against [Complainant 1] with her colleagues. [Complainant 1] said there was no reason that [Witness 1] would ever think that [Complainant 1] was a dancer. [Complainant 1] never spoke about that part of her past and [Complainant 1] hadn’t danced in over a year. [Complainant 1] thinks that the Respondent was talking to [Witness 1] about it and was saying to her that [Witness 1] thought that [Complainant 1] was a stripper to create distrust between them.”
- “On June 3, 2019 the Respondent told [Complainant 1] that one of his stalkers hated her and was jealous of [Complainant 1] spending time with the Respondent. [see Appendix 37] In another instance, the Respondent told [Complainant 1] that constituents like the women from [redacted] hated her and that they did not want to meet with her, and that [Witness 1] had to go to

those meetings. [Complainant 1] said she only met the women once. [Complainant 1] does not think they hated her; the Respondent just wanted [Complainant 1] to be uncomfortable all the time. In another instance, the Respondent mocked [Complainant 1] after she stuttered her name in a meeting.”

- “Relative to the Respondent’s conduct and behaviour, [Complainant 1] said after a certain point she went into a survival mode when it came to the Respondent as she could see the manipulation that was taking place and [Complainant 1] tried to brush things off with jokes. The comments made [Complainant 1] uncomfortable and they made her feel unsure about everything as far as her position went. [Complainant 1] didn’t at any point tell the Respondent not to talk to her in these ways nor did she say that she didn’t want to hear from the Respondent about the comments from other people because she did not feel like she could stick up for herself in that way with him. [Complainant 1] did not feel she could stand up to him because of the way she had heard him speaking about other people in the office that had or were working for him.”
- “According to [Complainant 1] there was a lot of animosity and distrust that the Respondent created among staffers. The Respondent pitted the staffers against each other insinuating that the others were talking about [Complainant 1]. The text of ... January 4, 2019 [see Appendix 39(c)], above demonstrate the Respondent creating distrust between his staff. Because of this, [Complainant 1] would go to work feeling very confused about her role, feeling very defeated because she was working with people who did not like her. At a later point [Witness 1], [Witness 2] and [Complainant 1] realized what was happening and began to trust each other. [Complainant 1] did not understand why the Respondent wanted to create a lack of trust between his own staff. Now, [Complainant 1] believes it was fear mongering and a control tactic for the Respondent to make them think they could only trust the Respondent. During the time he was saying all the bad things about [Complainant 1] to [Witness 1] and [Witness 2], he was still being very cordial with [Complainant 1]. The Respondent was very erratic and impatient and then he would go back to joking. It wasn’t until after [Witness 2] left that the Respondent’s aggression and rudeness became much worse as the Respondent believed [Witness 2] and [Complainant 1] had conspired for [Witness 2] to quit.”

- “[Complainant 1] thought the Respondent chose women very specifically, ones that he could mold and manipulate. For [Complainant 1], being in the Respondent’s office was very much like Stockholm syndrome<sup>6</sup> with the amount of fear and manipulation he used. There was constant grooming to try to emphasize how normal it was to do these assignments and how everyone else who worked for him had done them.”
- “[Complainant 1] stated that the Respondent bullied all of his employees in his own specific way. When the Respondent found out that [Witness 2] had made a complaint to the Clerk’s office, the Respondent held a meeting with [Complainant 1] and [Witness 1] and basically said it was because of all their talk of sex in the office and said that [Complainant 1] created a toxic work environment. [Complainant 1] told the Respondent that if [Witness 2] had made a complaint suggesting that [Complainant 1] had created a toxic work environment then [Complainant 1] wanted an opportunity to defend herself and speak to that. He said no. The Respondent called [Complainant 1] a couple of days later, went into what [Complainant 1] referred to as “this spiral of paranoia” and said that [Witness 2] had conspired to do all of this and that they were going to have a scandal on their hands now. [Complainant 1] stated that afterwards the Respondent began saying he was going to sue [Witness 2] and that [Witness 2] had better fix up her house real nice, because he was planning on taking it from her. [Complainant 1] said that the Respondent claimed she had ruined [Witness 2]’s career in this city, and she will never be a police officer in this city because of the ties that the Respondent had, he would make sure it never happened for her. [Complainant 1] said nothing ever happened and the complaint disappeared. [Complainant 1] knew the complaint was not about her or [Witness 1] but about the work environment the Respondent was creating.”
  - **Witness 1:** “[Witness 1] was asked if she believed the Respondent was manipulating/controlling her and the other office staff. [Witness 1] said absolutely, everything from the second you are interviewed is a manipulation tactic. The Respondent would constantly tell them he did his articling for law at CSIS and he learned how to pass a lie detector test. Every detail of everything because the Respondent takes people with

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<sup>6</sup> “Stockholm syndrome: the psychological tendency of a hostage to bond with, identify with, or sympathize with his or her captor.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/Stockholm%20syndrome> (6 August 2020).

limited political knowledge, or at least limited municipal political knowledge, and everything is to put trust in him and distrust in everything else. They were encouraged to watch “House of Cards” and “In the Loop” which are politically messed situations. Everything was always your co-workers are stupid, your co-workers are against you, don’t trust [Witness 2] because she [sic] friends with someone from [name redacted]’s office, don’t trust [Complainant 1] because she was stripper, [Witness 7]’s this, it was a constant downgrading of all of her colleagues to the point that she could barely give a situation because it was daily with every person who worked in the office. It was constant put downs; it was constant talking about their incapability. [Witness 1] would suggest maybe more training was needed, more direction, more explanation but it would be skirted around. It was always everyone else was the enemy, “we are the unit right.” Like the Respondent saying “all my trust is in you and I don’t trust everyone equally” it becomes Stockholm syndrome<sup>7</sup>, you become neurotic and you start thinking that everyone else is out to get you and with all of this, with all this craziness about SNC Lavalin and Blind River and all of these things you start to think the corruption is real, everyone else is corrupt and we’re in this to be honest and the other people just have their roles, like they are not part of our unit, our team.”

- “The Respondent had sent messages to [Witness 1] as well saying that [his wife] and [his daughter] thought that [Complainant 1] should be fired. This was very early on in [Complainant 1’s] time working there.”<sup>8</sup> (see Appendix 42)
- “In April 2019 [Witness 2] made a complaint to the City of Ottawa Human Resources department about misconduct in the Respondent’s office relating to him. [see Appendix 43] The Respondent made a point of telling [Witness 1] that the complaint related to the conduct of both her and [Complainant 1]. [Witness 1] and [Complainant 1], unbeknownst to the Respondent, were aware this was not the case as they met with [Witness 2] before [Witness 2] made her complaint. There is extensive communication about [Witness 2]’s complaint ... [Witness 1] stated the Respondent was going to personally make calls and destroy any chances

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<sup>7</sup> Ibid

<sup>8</sup> From Complainant 1’s testimony and supported by text messages provided by Witness 1.

[of Witness 2] becoming an officer because [Witness 2] didn't realize how powerful the Respondent was." (see Appendix 44)

"[Witness 1] said everyone was pretty afraid of the Respondent. He made it very clear, and then when that whole thing happened with [name redacted] it backed it up, but he made it very clear that he had spies. She stated as the Dean of Council, obviously he is connected to somebody, somewhere, so you always sit back and kind of question what kind of power does this guy have? If she said the wrong thing, or she quit her job, or she upset him what's the Respondent going to do? Because he was predictably unpredictable in his behaviours for things like when [Witness 2] made her claim - he was going to sue her, he was going to sue her for the entire value of her house, he was going to ensure she never became a cop - you know you go a lot of it is crazy talk, but you know where are the boundaries. [Witness 1] wondered what kind of power this person has. And you are left kind of always in this weird fear zone, not necessarily of the Respondent, but of the Respondent's pack."

- "[Witness 1] was concerned about being fired at all times, she did not have a strong political background and they went through 11 other employees during her time. Some who quit, some who were fired. The Respondent always had this over his head that he had this ultimate power that he could let staff go whenever he wanted to."
- **Witness 2:** "The investigator asked [Witness 2] to explain in greater detail what the Respondent did to make her believe he was manipulating or controlling her and the other office staff. [Witness 2] said the Respondent would say things like – [Complainant 1] said something about [Witness 1] or [Witness 2] said something about [Complainant 1] to her and vice versa. The Respondent would make up lies so the three ladies would hate each other. [Witness 2] said they all thought they could trust the Respondent. The Respondent would make up lies so they could trust him. She described it as a weird, manipulative, controlling thing. [Witness 2] said the Respondent would be like, "you know what, [Complainant 1] thinks you make too much money. She thinks that you don't deserve to get paid what you do" and it would piss [Witness 2] off as she didn't know "this girl." [Witness 2] would be mad at [Complainant 1] for no reason and then [Complainant 1] would be mad at [Witness 2] for something similar the Respondent had said to [Complainant 1] about [Witness 2]. She said

that was the dynamic they had in the beginning of her tenure and it was toxic. At first when they would be mad at each other, they didn't talk about it to each other."

"[Witness 2] described it as pretty hostile at first, since you were thinking automatically your colleagues didn't like you. [Witness 2] said one night in early April [2019] the three of them went out for drinks after work. There was some event happening that day and the Respondent had told [Witness 1] one thing and [Complainant 1] another. The Respondent was supposed to go to the event. He told [Complainant 1] not to go and then asked [Witness 1] "where is [Complainant 1], where is she supposed to be?" [Witness 2] didn't know all the details but the Respondent got the two of them [[Complainant 1] and [Witness 1]] into a fight regarding this event over who was supposed to be there. The Respondent ended up taking his daughter [see Appendix 45]. [Witness 1] and [Complainant 1] ended up getting a little bit tipsy and got into an argument with each other. It was the beginning of April, the same day [Witness 2] went to her lawyer's office regarding the house she had purchased. [Witness 2] said she tried to calm them down and said they would discuss it the next day.

The following day was a Friday and the three ladies spoke about the situation within the office. [Witness 2] disclosed that she was looking for another job because she couldn't do it anymore and they needed to discuss what was going on. [Witness 2] said "I think the common denominator about why we are not getting along is [the Respondent]." He was telling them all lies about each other. At that point they decided they were going to tell each other right away what he would say about the others. They were going to work together and not against each other. She said that was when they all started to see the Respondent's "crazy" come out a little bit more because they started to pick these lies up as they were happening.

[Witness 2] said during that discussion they decided to stop hating each other. [Witness 2] was asked what she meant when she said they all knew the Respondent was a little bit crazy. [Witness 2] stated he was really into conspiracy theories, specifically everything to do with Huawei and SNC Lavalin. The Respondent was obsessed with those companies and would often send his staff on goose chases to get information which was literally inaccessible to people like them in the government. [Witness 2] did not

know how he expected them to get any of what he was asking. [Witness 2] felt the Respondent made up these ideas in his head that there were people working against him constantly and that he had enemies everywhere.”

- “[Witness 2] spoke of a list of complaints that she provided to [name redacted] (Program Manager, Council Support Services), upon her departure from her job in the Respondent’s office. [Witness 2]’s complaint was two pages of hand written notes titled “Toxic & Abusive” and contained a list of points she saw as issues within the office. [Witness 2]’s points noted there was a lack of training and unreasonable expectations; the Respondent suggested staff should dress provocatively and conduct themselves inappropriately at events; extremely inappropriate talk regarding previous, current and other political staff; the Respondent’s lack of attendance at the office, late for or cancelling meetings, not fulfilling his duties leaving it [Witness 1]; speaking of sexual encounters in the office including on [Witness 2]’s desk; the Respondent’s wife involvement in his office; pitting employees against each other; unclear, cryptic communication and inappropriate tasks among others.” (see Appendix 43)
- “When [Witness 2] was asked if she had any concern of being fired, she advised she would question herself if she was in trouble. As an example; at an IT sub-committee meeting, the staff were sitting at a table full of other councillors because the Respondent had asked them to take notes. The Respondent was late, and when he walked in, he looked at his staff and sternly said “go, answer emails” in front of everyone. After the meeting he returned to the office as if nothing had happened. It was that whole Stockholm syndrome abuser mentality. Councillors’ staff are not protected the same way, so they were always worried about getting fired. The Respondent had ultimate control over their future at city hall. The Respondent would say something like he was looking for someone to do constituent work in front of [Complainant 1] who did the constituent work. That is how he would present it, never actually say “I am going to fire you.” It would be alluded to.”
- “[Complainant 1] was not provided any training except what [Witness 1] could offer when she began working for the Respondent. She was told to watch the movies “In the Loop” and “Mission Impossible.””

- “The Respondent would often imply [Complainant 1] wasn’t doing her job, that she was stupid. When [Complainant 1] would ask questions, the Respondent would tell her she doesn’t pay attention to things. [Complainant 1] made it very clear to him during her interviews that she had no political background. [Complainant 1] said her role and his expectation were unclear. The Respondent was always very erratic in his responses and never gave straight answers. On May 27, 2019, [Complainant 1] asked what the deadline was for a constituent issue and the Respondent texted back “While I was unclear...” [Complainant 1] said it was the nastiness in the Respondent. [see Appendix 46(a)] On May 28, 2019 [Complainant 1] asked him where she could find a copy of the consultant’s proposal for the rental study. The Respondent texted her back where he said “OMG you need to pay attention when I explain something to you. This was the most discussed issue during the last election....” [Complainant 1] was not working in the Respondent’s office during the last election. The Respondent would send her messages putting pressure on her and sending her into a panic to the point where she could not establish any work/life separation. He sent [Complainant 1] a text message on a Sunday morning May 26, at 5:28 am saying “OMG we have almost no time. We have to get people out to the rental housing study....” [see Appendix 46(b)] He was always unclear when [Complainant 1] asked for instructions. Once [Witness 1] had left the office, [Complainant 1] had to do [Witness 1]’s job as well. The Respondent came into the office one day and started yelling at [Complainant 1] saying “you’re not doing your f - ing job...” [Complainant 1] was scared to ask the Respondent for the overtime for all the work she was putting in. [see Appendix 46(c)]”
- “[Complainant 1] said that the Respondent never gave feedback on her actual work, only cryptic references which [Complainant 1] was left to figure out on her own. On top of the very offensive sex talk, the Respondent was very abusive in the mind games he played, the verbal abuse he delivered, the way he put the three staffers down to each other, and how he ran [Complainant 1]’s name through the mud. [Complainant 1] stated she did not understand why the Respondent would want to create so much chaos between his team members. The power he used over them, the manipulation and the control were what made her sick in the end.”

74 **Allegation 8**

**“With respect to his professional duties, was consistently absent or late for meetings, fell asleep in meetings, did not provide the complainant with direction regarding her duties, and once behaved in an erratic manner with a constituent that made the complainant fearful for her safety.”**

75 The Investigator reported that “[t]here is evidence that the Respondent was often absent, late or fell asleep in meetings and did not provide [Complainant 1] with sufficient direction with respect to her duties. The portion of this allegation which relates to having made [her] “fearful for her safety” relates to a car accident where a citizen side swiped the Respondent’s vehicle damaging his mirror. [Complainant 1] described the Respondent’s driving in pursuit of the offender as dangerous and provided a video of the encounter between the Respondent and the citizen after the Respondent had caught up to the offender. From the video it cannot be said that there was anything unusual or erratic in the manner in which the Respondent interacted with the citizen, but [Complainant 1]’s allegation relates to the driving that preceded the video.”

76 I have reviewed the testimony that is relevant to this allegation by Complainant 1.

77 I do not doubt that Complainant 1 was afraid during this reported incident, but there is insufficient substantiation to support the part of the allegation that refers to dangerous driving.

78 I have also concluded that the evaluation of the performance of the Respondent in his duties as a councillor by a former employee can be a very subjective if not biased opinion. This allegation of falling asleep or being constantly late, I deem to fall outside of the scope of this investigation and not within the jurisdiction of the Integrity Commissioner.

**Complaint 2**

79 Complainant 2 worked in the Respondent’s office from November 2015 until she left, on medical leave, in February 2018.

80 Working with Complainant 2 during that period were the following individuals who were also interviewed by the Investigator:

- Witness 1: Worked for the Respondent from October 2017 to May 2019.

- Witness 3: Worked for the Respondent from December 2015 to June 2017. Her position in the office was Media Relations.
- Witness 4: Worked for the Respondent from January 2012 to December 2016. Her position in the office was Community Relations Assistant.
- Witness 5: Having worked for the Respondent before, returned to work for the Respondent from March 2013 to October 2017. Her position in the office was Executive Assistant.

81 Complainant 2 also had direct interactions related to her complaint with Witness 10, a former City Councillor.

82 The Investigator also interviewed three other witnesses who provided testimony relevant to the allegations of Complainant 2:

- Witness 6: Worked for the Respondent from August 2013 to February 2015.
- Witness 7: Worked for the Respondent from April 2018 to November 2018.
- Witness 11: Worked for the Respondent from January 2011 to November 2012. He was the Respondent's Chief of Staff.

83 Complainant 2 was interviewed by the Investigator on October 22, 2019. In the final report, the Investigator provided a summary of Complainant 2's sworn statement. Excerpts from the summaries of Complainant 2's statement and testimony, that are relevant to the allegations, are set out below. Also included are excerpts from the statements of witnesses that are germane to Complainant 2's allegations and evidence.

84 **Allegation 1**

**“During a job interview with Councillor Chiarelli, he presented Complainant 2 with a photo of herself in costume, suggesting that she was bra-less in the photo, and stating going bra-less ‘could attract a man from across the room’.”**

85 In her report to me, the Investigator provided the following summary, in relevant part, of Complainant 2's job interview that led to her working in the office of the Respondent:

"The first time [Complainant 2] met the Respondent was during his New Year's Eve event on December 31, 2014. [Complainant 2] had been a volunteer within the cosplay (Costume Acting) community along with [name redacted], another employee of the Respondent's. [That employee] had put out a request for volunteers to attend the family focused event in costume. [Complainant 2] attended as a female version of the X Men character Cyclops<sup>9</sup>, a costume that exposed her midriff and in which she was photographed.

Shortly after that event the Respondent added [Complainant 2] on Facebook and first messaged her on January 4, 2015 to thank her for coming out to the event. [see Appendix 47] On September 30, 2015 [Complainant 2] was looking for a change in employment so she reached out to the Respondent thinking he may know who was hiring at the city. At the Respondent's suggestion, the two met at Starbucks (Hunt Club/Merivale) on October 2, 2015 after 7pm.

...

[Complainant 2] said that not long after the first meeting, she met the Respondent again in the evening at Tailgater's pub for at least three hours. [Complainant 2] said she really needed a job. The Respondent said to her that he did not think one of his employees [name redacted, Witness 4] was doing a good job and he said he thought [Complainant 2] could fill that role. The Respondent spoke of the office and general day to day duties such as attending community events, but he told [Complainant 2] there was a second side to the job.

The Respondent explained that he had his assistants recruit volunteers for the election and people like [name redacted] had guys drooling over her and they would be signing up to do whatever she wanted. He spoke of bars in general terms but focussed on the secretive aspect, espionage type missions, what his staff could do, the manipulation tactics he approved of and liked, including his staff going to strip clubs to spy on people.

...

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<sup>9</sup> Cyclops is member of the fictional superhero team, the X-Men ["X-Men." Peter Sanderson and Frank Plowright, Encyclopædia Britannica, <https://www.britannica.com/topic/X-Men>, (14 October 2020).]

The Respondent wouldn't necessarily say that staff had to go out and flirt with people but liked to tell stories of people doing just that and how productive those individuals were at obtaining many volunteers, thus strongly implying flirting was a very effective method that he approved of. He told a story of [name redacted] dancing with a man at an event and the man ejaculating in his pants because of their dancing. [Complainant 2] laughed it off and did not understand what it had to do with volunteers, but the Respondent spoke in a manner that seemed as though he was proud or liked the fact other people desired his assistants. He also had a history of retelling stories and would forget who the story was actually about, often injecting different names. [Complainant 2] heard two versions of the ejaculation story, the second featured [name redacted, Witness 5], another staffer. The Respondent said men would sometimes have their guard down and wouldn't expect a woman to be smart if they were good looking which caused [Complainant 2] to feel like the staffers were being used as tools.

During the interview, the Respondent asked [Complainant 2] if she knew what could draw a man from across the room or attract a man from across the room. [Complainant 2] was confused and could not remember if she gave an answer, but then the Respondent pulled up a photo of [Complainant 2] on his phone dressed as the character Yuna and told her the answer was in the photo. The character had one green eye and one blue eye, so [Complainant 2] responded "eyes." The Respondent told her it was going braless, not wearing a bra. [Complainant 2] laughed it off and immediately corrected his statement by informing him she was in fact wearing a specific type of bra given she was not comfortable going braless. [Complainant 2] produced a photo that was similar to the one the Respondent had shown her only she was not directly facing the camera and her chest was not as visible. [Complainant 2] suspected the Respondent acquired the photo from one of her friend's Facebook accounts. [Complainant 2] said it didn't occur to her to tell the councillor it was inappropriate because she really needed a job even though she was uncomfortable and disgusted with what she was learning. [Complainant 2] said she thought the Respondent had asked her what she would or would not be comfortable wearing to which [Complainant 2] believed she informed him she would not go braless."

- **Witness 3:** "[Witness 3] explained that she had been working at a Value Village when the Respondent head hunted her to work in his office. The Respondent recruited [Witness 3] to work in his office after frequenting her cash lane at Value Village, eventually leaving her a business card, inviting her

to contact him if she was interested potential employment in his office. [Witness 3] contacted the Respondent and a job interview took place at St-Louis Bar and Grill in the evening in 2015, with the Respondent arriving late. [Witness 3] stated that during the interview – which she described as being more of a conversation – the Respondent described the utility of having women dressed provocatively to attend events to attract young men. She stated that the Respondent spoke specifically of blouses that were revealing of female breasts referring to it as “side boob”. [Witness 3] said she was asked if she would be willing to wear clothes like that and to dress without a bra. [Witness 3] went on to be employed by the Respondent [in December 2015].”

#### 86 Allegation 2

**“Pressured the individual into sharing intimate details about her personal life by implying it would help the Councillor “protect” her and demonstrate that she could be trusted.”**

- “The Respondent spoke of people attacking his assistants as a way to get at him, alluding to people trying to uncover damaging information to be used against them. [Complainant 2] was asked if she had any big secrets or what the worst thing she had ever done was, because as he explained, he could be prepared to protect her. She said he claimed it demonstrated that the Respondent could trust [Complainant 2] and he pressured her by telling her he knew another staffer’s biggest secret. [Complainant 2] felt she needed to come up with something if she wanted the Respondent to think he could trust her, so she disclosed she [redacted] a year earlier.”

#### 87 Allegation 3

**“Made inappropriate comments regarding the individual’s appearance and body, directly to her and to others.”**

- “On or about February 15, 2017 the Respondent, in [Complainant 2’s] presence, showed [Witness 10, name redacted and now a former councillor] a photo of [Complainant 2] dressed up as Cyclops<sup>10</sup> from [Complainant 2’s] Instagram on-line account, where her abs are exposed. [see Appendix 48]

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<sup>10</sup> Ibid

This caused her to feel very uncomfortable. [The former councillor] laughed it off and tried to change the subject.”

- “Likewise, possibly on that same day, [Complainant 2] was chatting with two men while she waited for the Respondent at the Ontario Stone and Gravel convention. The men were being flirty and inquiring about her presence at the event. The Respondent appeared and interjected in the conversation and spoke of [Complainant 2] being a Superhero, and then showed the above noted photo. The Respondent said [Complainant 2] was used to a different kind of convention (Comicon) leading the men to talk about sponsoring her to go to the Niagara Comicon. At the time she didn’t recognize how uncomfortable, disgusting and disturbing it was, but now recognizes nothing about it was normal. The Respondent had also spoken to other staff in the office about her ‘abs’. [Complainant 2] thought she had a dependency and a need to please the Respondent that was being fostered in her by him. She described it as grooming behaviour. [Complainant 2’s] nickname in the Respondent’s phone was ‘Abigail’ which was a reference to her ‘Abs’. [Complainant 2] said she coped with the strain of these exchanges with humour and a lot of awkward laughing.”
  - **Witness 10:** “[Witness 10] a former councillor was interviewed under oath on November 29, 2019 and asked to tell the investigator about the day he attended the Respondent’s office on official business, and the Respondent showed [Witness 10] a picture of one of his staffers. [Witness 10] said to be honest he did not have a straight recollection of that day. [Witness 10] said he could speak in a general sense that the Respondent has said things that are inappropriate on numerous occasions where [Witness 10] has been with the Respondent whether it was in his office, at events or other places, as opposed to showing [Witness 10] things on his phone. [Witness 10] said it was not to say that the Respondent hadn’t, [Witness 10] just did not have a vivid recollection of him showing [Witness 10] specific people on his phone. [Witness 10] asked if there was anything the investigator could offer to help him recollect it, if there were individuals who were present or things that happened that day. The investigator advised [Witness 10] that the photo was of [Complainant 2]. [Witness 10] stated he thought he knew who [Complainant 2] was and that may have occurred. [Witness 10] asked if it was possible to tell him what the picture was. The investigator told [Witness 10] it was a super-hero type picture.

[Witness 10] said it rings a bell but [Witness 10] still didn't have anything to add as far as specifics because it was just another "Rick" kind of moment. [Witness 10] was told it was a super-hero where the Respondent was alleged to have commented about her stomach or her abs. [Witness 10] said yes, the Respondent would have said something like that about [Complainant 2]. [Witness 10] said that was probably true, yes. [Witness 10] said he did recall it now that the investigator had mentioned it, but he would not have picked that out, but yes the Respondent had probably said those things and would have talked about their figure, how they look and their bodies, but specifics [Witness 10] would not be able to recall. The Respondent would quite often say all sorts of things, sometimes he would talk about women in his office or women that used to work in his office. [Witness 10] said it certainly didn't seem like it was any sort of hurtful or rude way. Obviously, it was disrespectful for the people he was talking about, but the Respondent did not really say it in a way that was mean or rude, but more in a joking way. When [Witness 10] was in the Respondent's office and the staff were there, the staff would kind of laugh, but also shake their heads. [Witness 10] added maybe the Respondent said or did things differently when others were there, differently than maybe how he dealt with staff, given what [Witness 10] has seen in the media with the Respondent being manipulative and things like that."

- **Witness 3:** "In addition to clothing the Respondent enjoyed speaking of staffers' appearance. He spoke of [Complainant 2]'s abs, [Witness 3] had gained a significant amount of weight and he would ask her if she had tried the gym or what would make her feel sexy because she didn't want to wear any of the clothes he expected her to."
- **Witness 5:** "The Respondent also spoke of [Complainant 2]'s abdominal muscles. [Witness 5] didn't recall details but was shown a picture, where [Complainant 2] was dressed up as an X-Men character<sup>11</sup>."

#### 88 Allegation 4

**"Made inappropriate comments regarding the individual's co-workers (including comments related to their appearance and attire), and the sexual activity of business associates and previous office staff."**

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<sup>11</sup> Ibid

- “Following her employment interviews, the Respondent continued to speak of individuals in an inappropriate manner. The Respondent talked about how his staff looked and their strengths in certain ways. The Respondent described [a former employee] as a blond bombshell, well endowed, and mentioned her wearing a shirt where you could see “side boob”. [Complainant 2] believed the Respondent had a weird obsession with “side boob”. The Respondent had photos of [the former employee] at the Animation Festival where she was wearing a T-shirt with a cartooned version of the Respondent as Marty McFly from the movie Back To The Future on the back, with “side boob” showing due to the large cut out under the arms. The Respondent told [Complainant 2] of [Witness 5] talking about how her body had been destroyed by pregnancy and questioning how she was then going to represent his office. [Complainant 2] felt all aspects of that were deeply disturbing: no one should ever have a baby and then worry about their body being not up to snuff for essentially pimping themselves out to get volunteers. It was a common occurrence for the Respondent to talk of other’s sex lives. The Respondent said [Witness 4] had slept with [name redacted].”

- **Witness 3:** “The Respondent took pleasure in showing photos of [a former employee, name redacted] in her Comicon outfits, photos of her “side boob” exposed and similarly presented a photo of [Witness 4] in sheer shirt, no bra where you could basically see her nipples. The Respondent asserted that [Witness 4] selected the shirt, but [Complainant 2] and [Witness 3] did not believe him. He frequently spoke negatively about [Witness 4] to cause dissention among his staffers. He later moved to showing pictures of [Complainant 2] in Comicon outfits.”

“The Respondent told sexual stories at someone else’s expense, speaking of [Witness 5] being sexually open, [Witness 11] having sex in the office and [Witness 4] cheating on her partner.”

- **Witness 4:** “[Witness 4] was asked if she had sexual relations with [name redacted] based on stories the Respondent had told other staffers. She did not. The Respondent had confided to another staffer that [Witness 4] had cheated on her then boyfriend and was involved in an affair while she worked for the Respondent.”
- **Witness 5:** “(From the interviews conducted during the investigation, it had also been brought forward that the Respondent stated [Witness 5]

had been involved in sexual relations with [name redacted].) [Witness 5] was asked if she had been involved in a sexual relationship with [name redacted] and she was not but the Respondent told her that [Complainant 2] was involved with [name redacted], and that [name redacted] slept with past assistants, but [Witness 5] did not know she was one of them too; The Respondent also said that [a former male employee, Witness 11] and [name redacted] had an affair; a former staffer and her boyfriend had sex in the ward office; [name redacted] gave [name redacted] a 'blow job' in the car park at City Hall, or possibly the front lawn or both - there was allegedly security footage so [name redacted] was fearful that she would end up on CBC giving this guy a blow job and she was married. Other stories the Respondent told included that [name redacted] had an affair with one of his assistants and was having sex against a window at the front of City Hall during some sort of concert on the front lawn, and that [name redacted] used to give [name redacted] blow jobs at work.”

“[A former female employee] wore a revealing shirt to the Animation Festival in 2015 with the Respondent’s face on it but [Witness 5] was unaware if the Respondent told her to wear the shirt as he had only shown [Witness 5] the pictures. The shirt was cut out under the arms and [Witness 5] did not think [name redacted] was wearing a bra. In another picture, possibly of [name redacted], she was wearing a fancier ball gown type dress showing a lot of “side breast”. [Witness 5] recalled feeling encouraged to dress provocatively and to use their sexuality to benefit him and his career. She said it wasn’t that “you must”, it came from all of his innuendos.”

- **Witness 6:** “[Witness 6] said the Respondent told her stories of other staffers such as how [Witness 11] had sex on one of the desks with another Council member, how [Witness 11] was a womanizer who refused to take off his suit during sex, how an employee and her boyfriend were having sex at BFP [Ben Franklin Place] when a constituent walked in, how a staffer had made a man ejaculate while dancing at a club, how [Witness 4] was cheating on her partner, how [Witness 5] got intoxicated and was singing karaoke while the Respondent recorded her.”
- “On September 11, 2016 the Respondent wrote to [Complainant 2] about [name redacted], an Algonquin PR student he had recruited. The Respondent

wrote that [the individual] wanted to meet him privately and [the individual] said “it would have to be secret...” [Complainant 2] wondered why [the individual] would want it to be secret at which point the Respondent wrote “... Maybe she thinks she will be the first to try feminine manipulation. She has nice hair, It masks the trickiness completely.” [Complainant 2] joked saying “haha all I can think of is mean girls...that’s why her hair is so big...it’s full of secrets.” He responded with “She is a danger or, at best, a simple innocent princess.” In [Complainant 2’s] view, it was a typical description by the Respondent of their appearance and how he thought they could be used.” (see Appendix 49)

- “[Complainant 2] said the Respondent told stories of former employees, including [Witness 11] who allegedly had to be physically removed from the office because of either a sexual assault or sexual harassment. The Respondent remains friends with [Witness 11] who the Respondent described as a womanizer. After an event attended by both [Complainant 2] and [Witness 11], [Complainant 2] said the Respondent told her [Witness 11] said he could have had [Complainant 2] (sexually) but, for the Respondent’s sake, he had backed off. On another occasion the Respondent told her that [Witness 11] was reporting to him that [Witness 11] was at the Crazy Horse bar and could see [Complainant 2] in the bar. [Complainant 2] was at home. The Respondent seemed to relish telling stories about [Witness 11] including after [a former employee] found a pubic hair on her desk that [Witness 11] was having sex in the office; that [Witness 11] really liked anal sex; and that [Witness 11] once used a hotel curtain to wipe his private parts after sex. [Witness 11] was said by the Respondent to have naked pictures of staffers, including [a former female employee]. [Complainant 2] found the graphic nature of the Respondent’s stories disgusting.”

89 Other witnesses interviewed by the Investigator were also told stories about Witness 11, as follows:

- **Witness 1:** “[Witness 1] was told [Witness 11] slept around frequently and it was a problem for the Respondent’s office, she was not given names or whom he slept with, other than [Witness 11] had slept with a co-worker.
- **Witness 3:** “The Respondent told sexual stories at someone else’s expense ... [Witness 11] having sex in the office ...”

- **Witness 4:** “He told her stories of ... and [Witness 11] sleeping with people in the office and two other councillors [sic].”
- **Witness 5:** “...The Respondent also said that [Witness 11] and [name redacted] had an affair...”
- **Witness 6:** “[Witness 6] said the Respondent told her stories of other staffers such as how [Witness 11] had sex on one of the desks with another Council member, how [Witness 11] was a womanizer who refused to take off his suit during sex ...”

90 The Investigator interviewed Witness 11 on December 16, 2019 and provided the following summary, in relevant part, of his testimony:

“[Witness 11] said that with the exception of [name redacted] he did not have sexual relations with anyone else in the office and never discussed his sexual behaviour or preferences with the Respondent. He said that his sexual relations with [name redacted] were the reason he left the office. The Respondent had noticed strained relations between the two of them and told them to get their act together which was when [Witness 11] told the Respondent that he was responsible for the strain and in non-specific terms told the Respondent he’d had a relationship with her. The Respondent said that he had to go because of that and [Witness 11] agreed. [Witness 11] regretted the relationship. He did not provide any details to the Respondent beyond accepting responsibility for the strain in the office dynamic which he feels the Respondent was smart enough to understand.

He never had sex in the office with anyone, he never had sex with a City councillor. He never spoke to the Respondent about sex or his sexual experiences. He said he’d never been to the Crazy Horse bar and therefore never told the Respondent that he’d seen a colleague at that bar. In all of his time in the office he was never witness to any directions to female colleagues on how to dress for events. He never heard of the practice of sending colleagues into bars or clubs. He did say that he was aware of one incident where someone at a community event had complained to him that a member of the staff had been overly affectionate while at an event and that he had related those details, which he could not now recall at all, to the Respondent who said he’d deal with it. He doesn’t recall who it was. He never took photos of colleagues and the Respondent never showed him pictures of colleagues

or women on his phone. He did not put cameras in the office. If ever there were pictures of colleagues, it was for placement on a website or the internet relating to office matters.”

91 Other than having a sexual relationship with an office colleague, Witness 11 made it clear in his testimony that he did not participate in any sexual activity in the office proper, nor did he share any of his sexual experiences with the Respondent.

92 Complainant 2’s testimony continues as follows:

- “In another instance, on November 7, 2017 on BBM which [Complainant 2] provided, the Respondent spoke of [name redacted] longing for [name redacted]’s asset, and how [name redacted] was hooking up with many women per month. [see Appendix 50] Her emoji response clearly shows that [Complainant 2] did not want to hear about it. In the text the Respondent refers to [name redacted] as [redacted] and [name redacted]’s “asset” to mean her vagina. [Name redacted] ran a website called [redacted], thus the nickname the Respondent gave him. [Complainant 2] was disgusted. She didn’t address the text with the Respondent at the time and she just laughed it off. On February 7, 2018 the Respondent texted [Complainant 2], which she provided, suggesting he witnessed another politician sexually harass one of the Respondent’s staff. [see Appendix 51] When [Complainant 2] asked “like what?” the Respondent said “...I wouldn’t mind being seen around town with her on my arm... Not really harassment. Just piggy. Also [name redacted] is not really all that. But she does carry herself very well and is super friendly so I think that creates the illusion of attractiveness? Or attractiveness but in a different way...” The Respondent had commented to [Complainant 2] that [name redacted] was a little more conservative in the way she dressed, something he had also said of another staffer named [name redacted]. He was concerned [the other staffer] couldn’t fulfil the flirtatious role and actually brought it up as what he perceived to be a weakness in her when he offered her fulltime work. [The other staffer] declined the offer. [Complainant 2] strongly discouraged [the other staffer] from taking the job. The Respondent had told [the other staffer] that [she] didn’t know how pretty she was and was basically implying that he wanted [her] to honeypot. (Note: [Name redacted] worked for the Respondent between February and April 2018.)”

- “[Complainant 2] said the Respondent liked to select individuals who would attract people by being flirtatious, suggesting they knew how to carry themselves or dress. Staff were expected to have men fawn over them to elicit volunteers no matter what the event was. When the office was understaffed the Respondent would bring in individuals who had limited experience, or who had “diamond in the rough” type qualities on the premise they could fill the flirtatious role. It wasn’t about qualifications or if they could do any of the actual office work.”
- “[Complainant 2] said she managed to stay on the Respondent’s good side. [Complainant 2] wasn’t sure why, but she thought because men would still flirt with her no matter how conservatively she was dressed. While working for the Respondent, [Witness 3] had put on a significant amount of weight and was dejected because no one was ‘hitting on her’, and therefore unable to acquire supporters for the lists. The Respondent would use [Complainant 2] as a comparison to [Witness 3] to further humiliate [Witness 3]. Flirting had become a central focus of their job to appease the Respondent.”

### 93 Allegation 5

**“Regularly informed office staff that they could be fired at any time without cause, suggesting that any reports of harassment or inappropriate behaviour should be dealt with “internally”, and implying that a former staff member had lost a new job because they had “done something negative” to the Councillor.”**

- “[Complainant 2] said the Respondent belittled [Witness 4] and [Witness 3] to [Complainant 2], something that became part of the culture in the office. [Complainant 2] explained: “You want to pick on someone else when you weren’t the one getting picked on, so you weren’t the weakest link”. The Respondent often targeted a staff member who he thought was not doing enough or was not up to par, and that person would be the scape goat for all the problems of the office. The Respondent wanted people to speak positively about him and challenged those who didn’t. [Complainant 2] was so desperate that she had a friend tweet back at the Mayor during budget time and asked friends, family or even ex-boyfriends to help out whenever possible. In [Complainant 2’s] view the Respondent was like an inappropriate father figure. The Respondent created dependency by messaging you at all hours, telling you everything and it ended up feeling like a relationship, like a

close personal friend that cared about you and it really wasn't an employee, employer relationship at all.

[Complainant 2] referred to it as a balancing act in prioritizing his conspiracy theories, the never-ending volunteer lists, with trying to get actual work done. The volunteer lists were focussed on the election and New Year's Eve but [Complainant 2] had never seen the list used. New Year's Eve was mostly students picking up their volunteer hours for graduation. The Respondent made his staffers use codenames for everything, including his codename Betty for the Mayor. She referred to the Respondent as King Pin in her phone. Even other members of the office were in her phone with codenames."

- **Witness 4:** "[Witness 4] said the Respondent selected women that he saw as young, naïve, living away from home or who had a bad home life, more often than not people who had some sort of mental health or addiction issue and who he perceived as dumb. [Witness 4] said her mental health really declined (doctor diagnosed) working for the Respondent. He would do whatever he could to consistently try to manipulate the system and threaten to fire you. He created a work environment that was very toxic. He piled on the work with no help or direction, and if he came in at all he added manufactured tension. He would try very hard to segregate the office and alienate staff from each other by telling them lies. At one point [Witness 4] had a complete breakdown in the office, she verbally quit and walked out."
- **Witness 6:** "[Witness 6] said she felt very manipulated. [Name redacted] (a colleague) described to her that working with the Respondent was like being in an abusive relationship, a statement [Witness 6] believed to be completely true. She said "... just the power...the power difference...the mind games..." ensuring employees did not become close, him telling her others didn't like her and speaking poorly of [Witness 4] to her. He would manipulate [Witness 6] by telling her secrets or embarrassing things about the other employees. [Witness 6 stated that there was the "... the threat that he could fire you at any moment and not just fire you but that he could make your life miserable. That he would make you unemployable. So, it was more than just the fear of losing your job.]"<sup>12</sup> She said he had the ability to make you want to please him as the boss. At first he was very

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<sup>12</sup> Excerpt from the testimony of Witness 6.

kind, and she believed he had her best interests in mind. He would make promises and once he garnered her trust would start asking her to do small things that made “you slightly uncomfortable... pushing further and further...” until she was broken down, could no longer fight his power and became afraid. [Witness 6] said he controlled her.”

- **Witness 3:** “Symptoms of [Witness 3’s] decline in mental and physical health escalated during her time in the Respondent’s office as she gained weight, developed a drinking problem and became severely depressed, including because of the fact men were not hitting on her and his constant demeaning comments on her performance. The primarily toxic atmosphere created with the Respondent’s controlling manipulative behaviours was something he thrived on. He implied jobs weren’t permanent, would overwork them to the point of exhaustion with no work life balance. Distrust and animosity grew as he wanted staff to dislike each other and the staffers never wanted to become his target. An environment of loyalty was paramount, and it was their job to defend the Respondent at all times. [Witness 3] believed the Respondent hired young inexperienced vulnerable women who all bonded on a certain sadness, including girls with no dad, ergo trusted the Respondent as the male figure.”
- “In October/November 2017 [Complainant 2] said she was suicidal. In late 2017, she began dating an individual who knew what was going on and told her it was wrong. [Complainant 2] kept telling her boyfriend she needed to get through the election as the Respondent said getting through an election would make her more valuable, but in reality, she realized the Respondent wanted her to work for free during the election. The Respondent had also led [Complainant 2] to believe he would assist her in getting an equivalency degree which was important and appealing to her. Only after [Complainant 2] was off sick in February 2018 [see Appendix 52], did she realize the stress she was under, which ultimately caused her to go on disability and eventually quit. [Complainant 2] had a hard time letting go because she wanted to use the Respondent as a reference, he preyed on gaslighting and only recently after others had spoken out publicly, did she realize she wasn’t crazy.”
- **Witness 5:** “[Witness 5] described the work environment was beyond stressful. The Respondent complained about [Witness 4] to [Witness 5] all the time, saying how incompetent she was, how brutal she was, but really,

she didn't have any experience. [Witness 5] tried to soften the complaints to [Witness 4] but resentment started to build because [Witness 5] was always taking the brunt of it. He had cleaned out all employees previously and threatened to fire them ALL the time. [Witness 5] asked why he didn't just fire [Witness 4] if she was so incompetent, but he wouldn't do it and she now concludes that he had control over [Witness 4] and if he asked [Witness 4] to take her bra off she would do it.

[Witness 5] said the manipulation and control came in the form of "gaslighting", he normalized a very toxic and inappropriate environment. [Witness 5] said the banter, the gossip, the crude conversations just doesn't happen in a regular work environment. Almost like he was pitting them against each other, he wanted them to only be loyal to him and trust him. He isolated his employees and wanted them not to like each other, not to form bonds. The Respondent would share information and then tell her she wasn't allowed to share it with other staff.

[Witness 5] said the work environment was definitely abusive. He used to send PIN messages to the staffers at 3 am telling them how incompetent they were and what a disaster it all was during one of his paranoid breakdowns. Most often he did it over the phone but occasionally in text or in person. That sort of treatment became normalized. He encouraged them to bully and intimidate City staff into doing things ("be tough", "be a knee-capper")."

- **Witness 7:** "At one-point when [Witness 7] and [Witness 1] were both feeling underappreciated and overworked they met [Complainant 2] for lunch. [Complainant 2] advised [Witness 7] and [Witness 1] that her mental state had deteriorated in the Respondent's office, that she had to go on a leave of absence and that she was not okay. [Complainant 2] advised after quitting the job, she bettered her life and built better relationships. [Complainant 2] described the office to [Witness 7] as so unbelievably toxic."

She stated: "There was no work-life balance working in the Respondent's office. [Witness 7] stated at the end of the day, she and [Witness 1] were so exhausted that they would either go home or get drunk. It was so unhealthy; they were tired and frustrated and [Witness 7] found herself in some uncomfortable situations. She was not mentally well. [Witness 7]'s

parents were telling her to quit, she was gaining weight and losing weight, not sleeping enough and getting sick. [Witness 1] and [Witness 7] were discussing the health toll the job was taking on them on a daily basis from October on.”

- “[Complainant 2] said the Respondent told her a story of a person who was being inappropriate to one of his staff and instead of the staffer filing a complaint, they made certain the harasser suffered consequences by losing a deal that needed municipal approval. The Respondent insinuated that if a staffer complained they would be “labelled” as someone who was difficult to work with. If one made a harassment complaint that would be bad for future job prospects. The Respondent created fear by telling his staff that anything they said, would get back to him. The Respondent used [name redacted] to illustrate his point, saying she made sure someone who left the Respondent’s office was fired from their next job. The Respondent would mention he could fire individuals at any time but preferred if someone left the job amicably. [Complainant 2] recalled specifically on her second day in the office, [name redacted] abruptly left and she had no idea what was happening. [Witness 5] informed [Complainant 2] that the Respondent had gotten very upset and left [name redacted] with the impression she had been fired on the spot. [Name redacted] had told [Complainant 2] the Respondent had fired individuals in the past in that manner, so [name redacted] too thought she had been fired. [Complainant 2] feared she would be fired so she tried to stay on the Respondent’s good side, she did what she was told because she needed the job and because she was in too deep to see any other option.”
- **Witness 4:** “[Witness 4] said the Respondent segregated his staff from everyone else so he could rule the office the way he wanted, so he could get away with doing this. [Witness 4] said that if you decided you wanted to say no, the Respondent would threaten your job, like “this is part of your job, you have to go to these.” [Witness 4] said that she was backed into a corner and if she said no or if she tried to say no, first off, he would get angry, and that when the Respondent got angry the Respondent got very explosive. [Witness 4] said that he would then threaten your job and you would now be worried whether you were going to be fired if you didn’t go to these events.”

- **Witness 5:** “[Witness 5] said the Respondent threatened to fire them frequently, especially around the volunteer list. [Witness 5] recalled a specific incident where the Respondent went on a rampage because he had heard he was being talked about and sent all the staffers home. [Name redacted] left in tears, [Complainant 2] had not seen this before and was shocked, and [Witness 5] didn’t react because it happened so often.”
- **Witness 6:** “In February 2015 [Witness 6] knew she had to quit even though she was afraid to do so. She knew it was important for her mental health and for her relationship with her boyfriend. She felt trapped in the job but wanted to leave on good terms. On multiple occasions the Respondent said he had the power to make people unemployable and to ruin them. When [Witness 6] left, the Respondent was very concerned and frequently asked for reassurance that they would remain friends. She felt it was his way to maintain loyalty and control.”
- **Witness 7:** “[Witness 7] was concerned about being fired. [Witness 7] said she felt there would never be a warning if you were going to be fired which held true for other staffers. [Witness 7] witnessed the firing of [name redacted]. [Witness 7] also recalled when the Respondent told her he could fire her for being late after she had stayed several nights in the office trying to do the receipt reconciliation without any direction or understanding on how to complete the task. That same day, the Respondent instructed [Witness 7] to attend BFP to turn over her work after hours and the Respondent never showed up. She left the documents and her key in the office, asked security to lock it up and quit that day, January 3, 2019.”

## **ANALYSIS**

### ***The Investigator’s Conclusions***

94 With respect to the allegations made by Complainant 1, the Investigator reported as follows:

“In the case of [Complainant 1], she alleges that:

- (1) The Councillor asked the Complainant if she would be willing to go “on assignments” to flirt with men at networking events, including at bars, to

convince them to volunteer for his office and give his office information, and told her that this was a very regular practice. There is significant evidence including from the Respondent himself that this was his practice. Indeed, there is evidence from texts with [Complainant 1] that he wanted her to attend random networking events on several occasions and that she did in fact do this. **The investigation finds this allegation to be established.**

- (2) The Councillor showed the Complainant pictures on his phone of his previous staff and told her to wear revealing clothing, as a member of his staff had done, when she was to go “on assignment”. There is considerable testimonial evidence from both complainants and witnesses that the Respondent frequently showed photos of his staff in revealing clothing. **The investigation finds this allegation to be established.**
- (3) The Councillor took her to a bar, bought her drinks until 2 a.m. and told her stories of his employees who got men drunk and danced with them until they ejaculated, and told her that he wanted her to convince men that she would have sex with them so they would volunteer for the office or give information to her for the office, but that he would fire her if she did have sex with them. This is a consistently reported theme of the Respondent’s job interview process. The text messaging with [Complainant 1] by the Respondent is entirely corroborative of this allegation as well. **The investigation finds this allegation to be established.**
- (4) In a text message, the Councillor told the Complainant to wear something “sexy” to an event, “not ho-ish” and “no bra required”. **The investigation finds this allegation to be established.**
- (5) The Councillor made inappropriate comments to the Complainant regarding matters such as her appearance and body, nicknames for her and her co-workers, sexual activity having occurred in the office, others’ sexual interest in him and others’ belief that he had sexual relationships with members of his staff, including her. There is a considerable body of evidence demonstrating this conduct by the Respondent with [Complainant 1] in text messaging and a similar pattern of conduct with others. **The investigation finds this allegation to be established.**

(6) The Councillor told the Complainant to keep “bar assignments” secret, continued to tell her about “assignments” he wanted her to go on, had her attend events that she felt occurred at inappropriate times and for which she felt she had no reason to attend (for example, an event at a night club). Similar to Allegation 1 there is significant evidence from multiple witnesses and complainants. **The investigation finds this allegation to be established.**

(7) The Councillor exhibited abusive behaviour towards the Complainant and her co-workers including making fun of and speaking down about her and her co-workers, telling her that constituents and co-workers hated her, creating fear in the office by making threatening comments about negative actions you would take against a staffer who had quit and blaming that staffer’s departure on her. There is evidence that the Respondent was abusive towards [Complainant 1] directly and about [Complainant 1] to [Witness 1]. There is ample evidence that the Respondent created fear in the office through multiple streams of manipulation and misrepresentation. **The investigation finds this allegation to be established.”**

- 95 The Investigator also reported on allegation no. 8: With respect to his professional duties, the Councillor was consistently absent or late for meetings, fell asleep in meetings, did not provide the Complainant with direction regarding her duties, and once behaved in an erratic manner with a constituent that made the Complainant fearful for her safety.
- 96 But as stated above in paragraphs 76-78, I carefully reviewed the testimony and concluded there is not enough evidence to support her safety concerns and that the evaluation of the Respondent’s professional performance as a Councillor is not central to this complaint and outside my jurisdiction.
- 97 While I do not doubt that the behaviour objected to by Complainant 1 is an honest report of her view of the conduct of the Respondent, I find that these kinds of assessments can be highly subjective.
- 98 There is no specific job description for a city councillor. Being chronically absent or late for meetings, being vague in defining duties and not accounting for time spent out of the office falls more into the realm of incompetence than that of the Code of Conduct. That kind of judgement and evaluation of a councillor’s

performance is best left to the voters who, in an election hold the power to make a finding and retain the ultimate sanction: removal from office.

99 With respect to the allegations made by Complainant 2, the Investigator reported as follows:

“In the case of [Complainant 2], she alleges that during an interview with the Complainant for a position as a staffer in his office, the Respondent:

- (1) Presented the Complainant with a photo of herself in costume, suggesting that she was bra-less in the photo, and implied going bra-less “could attract a man from across the room”. There is a significant body of evidence as to the Respondent’s focus on ‘Braless-ness’ in this inquiry and his view of female sexuality being exploited for his political purposes. **The investigation finds this allegation to be established.**
- (2) Pressured the Complainant into sharing intimate details about her personal life by implying it would help him “protect” her and demonstrate that the Complainant could be trusted. Similarly, there is a significant body of evidence including in email messages to others that the Respondent questioned prospective employees in this regard. **The investigation finds this allegation to be established.**
- (3) Made inappropriate comments regarding the Complainant’s appearance and body, directly to her and to others. [Complainant 2]’s evidence as well as the evidence of [Complainant 1] and [Witness 1] and others establishes the Respondent’s propensity for this conduct. **The investigation finds this allegation to be established.**
- (4) Made inappropriate comments regarding the Complainant’s co-workers (including comments related to their appearance and attire), and the sexual activity of business associates and previous office staff. **The investigation finds this allegation to be established.**
- (5) Regularly informed office staff that they could be fired at any time without cause, suggesting that any reports of harassment or inappropriate behaviour should be dealt with “internally”, and implying that a former staff member had lost a new job because they had “done something negative” to the Respondent. **The investigation finds this allegation to be established.”**

### ***The Respondent's response to the two complaints***

- 100 As outlined earlier, the Respondent, through his legal counsel, has refused to respond in writing to the two complaints as required by the Complaint Protocol; he refused to schedule an interview to testify in the investigation; he deliberately sought to avoid service of a summons to appear before me to be examined under oath under the Ontario *Public Inquiries Act, 2009*.
- 101 The Respondent was given ample opportunity to reply in writing to each of the two complaints. He declined to do so, including an offer in early September 2020 to answer written interview questions. On October 23, 2020 he was provided a draft copy of this report for comment. No comments related to the allegations were provided. On November 2, 2020, through my legal counsel, I extended a final opportunity for the Councillor to confirm he would participate in an interview when he was medically cleared to do so and to suggest accommodations that could be made to assist the Councillor. No response was received.
- 102 It was his choice to not participate and leave the body of evidence against him unchallenged during the investigation. While he did not respond to the allegations in the course of the investigation, he did make a public statement in the media.
- 103 On October 3, 2019, the Respondent issued a public statement stating (see Appendix 2), in relevant part:
- "I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion."*
- 104 That is the only pertinent statement made by the Respondent in response to the complaints. It is a wholesale repudiation.
- 105 Consequently, in the absence of any other reply or input from the Respondent on the substance of the complaints, I have taken that published statement as the deemed substantive and comprehensive response to the complaints filed against the Respondent and have considered that denial in formulating my findings.

### ***Use of Similar Fact Evidence***

- 106 Many of the interactions between the Respondent and Complainants 1 and 2 happened without witnesses present. For the incidents which involved other

individuals, I reviewed and relied on the relevant evidence from witnesses (including Witness 1, 2, 3, 4, 5, and 10).

107 A number of the witnesses gave evidence which must be assessed as similar fact evidence, as it did not relate to the specific incidents set out in the allegations of Complainant 1 and Complainant 2. While my role is not to make a binding decision, but instead to provide my recommendation to Council, I determined that it was important to consider the legal principles that apply to the admissibility of similar fact evidence. Accordingly, I sought and obtained legal advice about when and how a decision maker may use similar fact evidence.

108 “Such evidence is generally not admissible because it tends to prejudice the trier of fact, but can be admissible if the probative value of the evidence outweighs its prejudicial effect”.<sup>13</sup>

109 The Supreme Court of Canada “stated in *R v. Handy*, 2002 SCC 56, that there is a ‘dangerous potential’ that similar fact evidence ‘may capture the attention of the trier of fact to an unwarranted degree. It has potential for prejudice, distraction, and time consumption, and these disadvantages will almost always outweigh probative value.’”<sup>14</sup> The danger is that the trier of fact will determine that the Respondent is a “bad person” and likely liable or become preoccupied from the determination on the particular allegations.<sup>15</sup>

110 In deciding whether to include the similar fact evidence in my report, I followed the three step process:

- a. Evaluate the probative value of the evidence;
- b. Assess the prejudice to the Respondent; and
- c. Balance the probative value with prejudicial effect

111 In evaluating the probative value of the evidence, I determined that there were specific issues to which the similar fact evidence was relevant. This is clear from the organization of the fact section above.

112 I considered the connecting factors from the *R v. Handy* case, namely: the extent to which the other acts are similar in detail, proximity in time, circumstances surrounding or related to the similar acts, number of occurrences, any distinctive

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<sup>13</sup> *College of Physicians and Surgeons v. Peirovy*, 2018 ONCPSD 6 at p. 8

<sup>14</sup> *College of Physicians and Surgeons v. Peirovy*, 2018 ONCPSD 6 at p. 8 citing from *R v. Handy*, 2002 SCC 56 at para. 37 (*Handy*)

<sup>15</sup> *R v. Arp* [1998] 3 SCR 339 at para 40

features, and intervening events or any other factors that would tend to support the underlying unity of the similar acts.<sup>16</sup> I concluded that the evidence set out in the facts section was highly connected to the incidents in the allegations. For example, in considering that allegations that the Respondent shared sexualized stories in the office and showing pictures of past employees scantily clad, one of the key issues is: did the Respondent use his interactions with his employees as a means of normalizing a sexualized workplace in furtherance of his engagement of employees to go “on assignment”? In respect of the toxic workplace, one of the key issues is: did the Respondent create a toxic workplace environment where employees had negative impressions of and interactions with their colleagues, were fearful for their jobs, and felt it necessary to follow all of the Respondent’s directions?

- 113 Much of the evidence was supported by documentary evidence which assisted my conclusion that the evidence was reasonably capable of belief. I determined that there was not evidence of a motive to collude. All of the witnesses had moved on from the Respondent’s office, so the outcome of the inquiry had no direct effect on their employment or financial security.
- 114 I considered whether there was only generic or vague similarities in the evidence. However, there were significant distinctive features in the interactions: for example, there were photographs shown of prior staff members dressed in Comicon outfits; the Respondent engaged in sexualized conversations in interviews or from the beginning of the witnesses employment with the Respondent’s office, normalizing this behaviour; the Respondent provided some staff with revealing clothing to wear to events; the Respondent used text message with staff to direct them what to wear; and the Respondent attempted to keep the employees from speaking with each other while creating an environment of suspicion among colleagues.
- 115 The potential prejudice is in reasoning prejudice, in the idea that the decision maker may conclude that the Respondent is a “bad” person based on the similar fact evidence. However, I concluded that I would not be unduly distracted and influenced by the inclusion of this similar fact evidence.
- 116 When weighing the probative value against the potential prejudice, I am not to engage in a mechanical or mathematical exercise of adding up the similarities

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<sup>16</sup> *R v. Handy* at para 82

and dissimilarities in the evidence and deriving a net balance. Rather, drawing the balance is a matter of judgment.<sup>17</sup>

- 117 Since the allegations related both to specific incidents and the general workplace environment, I reviewed the evidence of Witnesses 1, 2, 3, 4, and 5 who all worked in the Respondent's office at the same time as one or more of the complainants. To the extent that the corroborative evidence provided did not relate to the same incident described by the complainant, I considered whether the evidence could be relied on as similar fact evidence. I concluded that the probative value of the evidence outweighed the prejudicial effect of my reliance on it.
- 118 While Witness 7 was not an employee at the same time that Complainant 2 was actively working, she became employed only two months after Complainant 2 went on medical leave. Witness 1 was a common employee over the period of Witness 7 and Complainant 2's employment. Witnesses 1 and 7 interacted directly with Complainant 2 at a lunch where Complainant 2 explained why she had gone on medical leave. I determined that Witness 7's evidence about the stories that the Respondent told (including about woman having sexual interest in him and sexual encounters at the office) and about the toxic workplace was probative of a number of the allegations. While I recognized the prejudicial effect of this evidence, I concluded that its probative value outweighed its prejudicial effect.
- 119 Witnesses 6, 8, and 9 were employed within eight months of Complainant 1 or 2 which I determined met the similar timeframe requirement in the similar fact evidence analysis. These witnesses provided similar accounts of the sexualized stories which the Respondent told to them, including Witness 9 who is male. Witness 6 also testified about the threats of firing staff, and Witness 6 and 8 both testified about the requests to go braless or wear specific, revealing clothing. This evidence showed a consistent pattern of behaviour by the Respondent toward his female employees between the time period August 2013 to June 2019.
- 120 The evidence showed that the Respondent typically had two or three staff members at one time and that he judged and then tested his ability to use certain staff member's sexuality for his own purposes. Not all of the witnesses were

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<sup>17</sup> *College of Physicians and Surgeons v. Peirovy*, 2018 ONCPSD 6; *R v. Shearing*, 2002 SCC 58 at para. 73

involved in the precisely same behaviour (such as going “on assignment”) and this held true over the six year time period. Instead, the Respondent picked his person to go on bar assignments once he determined that the staff member would be “willing” to performed the sexualized tasks. To the other, he told sexualized stories and pitted the employees against each other. The similar fact evidence was necessary to confirm this pattern.

121 Witness 11 was the subject of many of the Respondent’s stories. As a result, his evidence was deemed relevant to the investigation. Witness 11 spoke of a very different experience in the Respondent’s office from January 2011 to November 2012 than the Complainants and Witnesses 1-8. As a result, I determined that it was necessary to consider Witness 11’s evidence as potentially exculpatory evidence.

122 In the course of the investigation, I reviewed evidence from an additional nine other witnesses. These witnesses testified about matters which did not involve Complainant 1 or Complainant 2. Accordingly, I classified their evidence as similar fact evidence. I undertook an evaluation of the probative value of that similar fact evidence. I concluded that these witnesses’ evidence did not meet the probative value threshold, so I did not consider that evidence or include it in this report.

### ***Analysis of Credibility and Reliability***

123 Credibility and reliability are fundamental principles when evaluating testimony. “Credibility refers to the witness’s sincerity and willingness to speak the truth as he or she believes the truth to be. Reliability relates to the witness’s ability to accurately observe, recall and recount the events at issue.”<sup>18</sup> I appreciate that “an honest witness can still be mistaken and, consequently, his or her evidence while sincerely given, may be unreliable.”<sup>19</sup>

124 In assessing credibility and reliability, I looked at the totality of the evidence and considered whether there were any inconsistencies (and if so, the impact of those inconsistencies).

125 It was not easy for many of these women to come forward in the way that many did, some as complainants and others as witnesses. However, they have said that they believe in doing the right thing, they do not regret having acted as

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<sup>18</sup> *Ontario (College of Physicians and Surgeons of Ontario) v. Phipps*, 2018 ONCPSD 48

<sup>19</sup> *Ibid*

witnesses in this investigation. In participating and sharing their experience, they wish to prevent more harm coming to other women.

126 Overall, I conclude that both complainants and the witnesses were credible and reliable.

127 In making this conclusion, I did specifically address the following possibilities of collusion and/or fabrication.

### **Conspiracy by “political adversaries”**

128 In the public statement issued by the Respondent referenced earlier, he claimed that these complaints are part of an organized political conspiracy because of his seeking information about the LRT procurement programme. Specifically, he stated the following:

*“People should know that I formally retained legal counsel in July of this year, after learning that I was being targeted over my attempts to bring greater transparency to the LRT procurement process. I had no idea, at the time, of the direction that these political attacks might take. Then, we were made aware of one of my political adversaries attempting to persuade a number of women to join an organized group to speak negatively about me.”*

129 In the course of the investigation, the Investigator became aware of a text message that circulated asking if an individual would be interested in coming forward to the media about her experience working for the Respondent and seeking “a critical mass”. (see Appendix 53) The circulation of this text was also reported in the media.

130 I have reviewed the detailed testimony of individuals involved in the circulation of the text message. The following is a summary of what transpired and how the Respondent became aware of the text message:

- On June 27, 2019, the Respondent’s former political challenger became aware of a woman who had interviewed with the Respondent, who had been asked inappropriate things and who was planning to go to the media with her story. The Respondent’s former political adversary was asked if she knew anyone else who had experienced the same thing or had heard anything on the campaign trail during the 2018 municipal election.

- The Respondent's former political adversary recalled that a friend of hers knew an individual who had previously worked for the Respondent who may have described some strange work while employed by the Respondent.
- On June 28, 2019, the Respondent's former political challenger texted her friend (see Appendix 53), who then took a screenshot of the text and forwarded the text to the former employee.
- On July 4, 2019, the former employee then forwarded the text message to Witness 4, with whom she had worked with while employed by the Respondent.
- That same day, Witness 4 spoke with the Respondent and emailed the text message to the Respondent.

131 I have no doubt this text message is the organized action and conspiracy theory the Respondent refers to in his public denial of October 3, 2019. The Respondent's former political challenger, the former employee and Witness 4 were all questioned under oath by the Investigator.

132 All parties were frank and honest about their participation in circulating the text message.

133 I have reviewed the testimony and the evidence which reveals that the former political challenger did not know the names of the complainants nor did she communicate directly with any of the witnesses.

134 The former political challenger was aware of the media reports on June 28, 2019 and did make contact with a friend about the Respondent but there is no credible basis for some kind of organized political conspiracy or a critical mass being created as a consequence of the text message. The former political challenger's text relates to the job interview experience by a complainant dealt with in my report to Council on July 15, 2020. There is absolutely no evidence relating to the two complaints apposite to the exchange of text mentioned herein.

135 Furthermore the Respondent's claim that he was "*being targeted over my attempts to bring greater transparency to the LRT procurement process*" is completely unfounded. Neither the complainants nor any of the witness referred

to this issue in testimony and the Investigator did not uncover any evidence related thereto.

136 Complainant 1 and Complainant 2 did not work together in the Respondent's office. The testimonies of both complainants have common themes of toxic and abusive working conditions. But I could not find any statement or vocabulary in either testimony that would point to any collaboration between the two complainants that undermines their credibility.

137 I have concluded that there was no conspiracy movement and no collusion by complaints.

### **Possible Collusion relating to Complainant 1 and her office colleagues**

138 Complainant 1, Witness 1 and 2 were colleagues in the office of the Respondent for the period of December 2018 through May 2019. To my knowledge, Complainant 1 is still employed and on stress leave. Witness 1 and 2 both left the office in May 2019. Witness 1 and 2 testified in support of the allegations made by Complainant 1. The testimony of Witness 1 and Witness 2 substantively corroborates that of Complainant 1, particularly to the point that the Respondent often pitted his employees against each other and deliberately created a toxic workplace environment.

139 On reviewing the sworn testimony of the three colleague employees, I noted that in explaining to the Investigator why they remained in the employ of the Respondent, all three witnesses used the term "Stockholm syndrome"<sup>20</sup> to justify why they continued to work in a context of fear, manipulation and harassment. The Stockholm syndrome in lay terms is a term commonly used to describe many difficult relationships ranging from mild to severe. The fact that three witnesses under oath would use the exact same term and vocabulary does raise however, the issue of a possible contrived testimony.

140 The three colleagues all reported that at the end of March or beginning of April 2019, they discovered how the Respondent had been manipulating each one of them and telling each of them lies about their colleagues. The realization emerged from an argument between Complainant 1 and Witness 1 about a miscommunication related to an event to which the Respondent brought his

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<sup>20</sup> "Stockholm syndrome: the psychological tendency of a hostage to bond with, identify with, or sympathize with his or her captor." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/Stockholm%20syndrome> (6 August 2020).

daughter instead of Complainant 1 as originally planned (see Appendix 45). The three colleagues realized how the Respondent was pitting them against each other and agreed to cease the office hostilities and work together to minimize the negative impact on their lives caused by the conduct of the Respondent.

- 141 In my view that meeting can be interpreted as a form of collusion. But it was a collusion with the intent to survive, by three women in an abusive relationship with an abusive employer. It is a scenario that is unfortunately too often played out in too many workplaces: “How can we work together to manage an abusive boss and reduce the stress in our work lives?” Given the state of affairs in the office of the Respondent it is not surprising that the three women would seek each other’s support to get through the day. They suffered a common degrading condition. That they came to a common conclusion that what happened over time was akin to the Stockholm syndrome is more than probable.
- 142 On May 1, 2019, Witness 2 left the office because of the toxic work conditions. That day she filed a written complaint with the Program Manager of Council Support Services (see Appendix 43) That grievance was discussed by the three employees and it was made in an exit interview by Witness 2 long before the subsequent complaint filed by Complainant 1 on September 16, 2019.
- 143 Considering the conditions under which the three colleagues were working, given that the term “Stockholm syndrome” is now common parlance to describe such relationships and that there are no other parts of their testimony given after September 2019 that points to possible collusion, I have decided to accept the testimony as credible evidence.

#### **Witness 11 and the sexual encounters attributed to him**

- 144 Witness 11 is the former male employee who was the object of several alleged sexual encounter stories relayed multiple times in multiple versions to others by the Respondent. Witness 11 indeed confirmed to the Investigator that he had a consensual sexual relationship with an office colleague and that it was the reason why he left the employ of the Respondent. But in sworn testimony he refuted and denied all of the sexual actions allegedly attributed to him. He confirmed that he never had sex in the office.
- 145 It is important to note that no witnesses testified that they were party to or observed any these events related in the oft repeated sexual tales by the Respondent.

146 In my view there is no reason to disbelieve either the account of Witness 11 or the testimony of the complainants or several other that sexual encounter stories about Witness 11 were told by the Respondent.

147 I find that there are no inconsistencies in the testimony Witness 11 and that he is credible.

### **General review for inconsistencies in evidence and testimony**

148 Witness 2 reported that she was never asked to go to clubs and bars on covert assignments to recruit young male volunteers. Her testimony described how the Respondent, in fact, segregated the tasking of three employees and only Complainant 1 was chosen for bar assignments.

149 She was his media communications person so she usually went to events where the media would be present, like the ground-breaking of a community housing complex was an event she went to or a real-estate conference she went to. Complainant 1 went to most of the afterhours events, involved drinking, involved being out late. Witness 2 was sort of the daytime person. Witness 1 had worked there the longest, so she generally did the events where the political people were present. As an example; a construction event a lot of different councillors attended, she would have attended something like that.

150 Witness 11 stated that in 2011 and 2012 when he worked for the Respondent, staff had a lot of flexibility in dividing up the assignments and determining who would attend the numerous events. The Respondent didn't decide who would go where. The goal at these events was to engage with constituents, canvass them for issues and then follow up to ensure those issues were resolved. He testified that he never heard of any initiatives to go into bars to either elicit information or spy on anyone. This testimony appears to be an outlier when compared to the witnesses and complainants; however, this is also the one witness who worked for the Respondent many, many years ago. Because the Code was not in force in 2011 and 2012, I determined that I could not rely on any witness statements relating to this time frame, and have excluded all other evidence from witnesses who testified about their experiences at that time.

151 The apparent inconsistency in these reports is powerfully dispelled by the extensive testimony and documentary evidence provided by the other witnesses who were employees. None of the experiences of those employees were identical. But they carried the same common denominator: the Respondent was

selective in which employees he would ask about their willingness to use their sexuality for his gain. His recruitment *modus operandi* was also consistent: he would carefully judge whether this person would be a good fit for the office and decide how to best use them for his nefarious missions. The Respondent also deliberately fostered a divisive and toxic workplace, so that the employees would mistrust each other and not share their experience.

- 152 I conclude that Witness 2 and Witness 11 are both telling the truth, and that their experience was simply different than those who were actually selected and tasked to go on “bar assignments” by the Respondent.
- 153 Witness 10, a former City Councillor, did not have a clear recollection of the Respondent showing him a photograph of Complainant 2 dressed in a superhero costume and making comments about her abs. However, Witness 10 believed that it was true (i.e. that it likely happened). Witness 10 confirmed that the Respondent often talked about women in his office or women that used to work in his office. While noting that he did not believe that it was intended in a hurtful or rude way, Witness 10 stated that it was disrespectful for the people he was talking about despite being said in a joking way. I believe that Witness 10 was a credible and reliable witness. He acknowledged his own memory failings with respect to a specific incident but confirmed the general manner in which the Respondent spoke of his current and former female employees.
- 154 On review of all complainant and witness statements, I did not find any substantive inconsistencies of a material nature which would demonstrate carelessness with the truth. None of the abusive encounters or experience reported in the testimony of several of the witnesses were identical but they were analogous in tone and content; telling of stories about sex and asking about willingness to use their sexuality to the Respondent’s political gain, then judge whether this person would be a good fit for the office and decide how to best use them.
- 155 I find that both complainants were credible, honest, and open. Each complainant had good memory of their experience in the employ of the Respondent and neither of them appeared to have an interest in the outcome (other than a desire to hold the Respondent to account). Each of the complainants gave consistent testimony, supported by documentary evidence. I also find that their evidence was reliable.

156 I also find the witnesses to be credible. Their testimony was valuable in substantiating the complainants' testimony and in assessing the issues of any recent fabrication and collusion. There were no material inconsistencies with the complainants' testimony or documentary evidence.

157 I see no reason the complainants or the witnesses would lie or make false statements, and certainly all affirmed their statement was true.

### ***Credibility of the Respondent's Public Response***

158 The Respondent's public statement and blanket denial published on October 3, 2019 states:

*"I can say, without reservation, that I have never treated a member of my staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate "gender-based" fashion."*

159 The Respondent refused to participate in the investigation. In contrast to the content of all the testimony and the evidentiary documents, the Respondent's denial is simply unbelievable.

### ***Analysis of Documentary Evidence***

#### **Complainant 1**

160 In addition to her sworn affidavit and testimony, Complainant 1 provided text messages between herself and the Respondent. The messages span the course of her involvement with the Respondent, beginning when he first reached out to her in December 2018 regarding her interest in doing "small assignments" for the Respondent and ending just before she left the Respondent's office in June 2019 on stress leave.

161 Parts of Complainant 1's testimony is corroborated by two witnesses who were employed in the Respondent's office during the same timeframe. Witness 1 also provided substantial documentary evidence that verifies aspects of Complainant 1's testimony, including the manner in which the Respondent spoke about Complainant 1 to her colleagues.

#### **Complainant 2**

162 In addition to her sworn affidavit and testimony, Complainant 2 provided some Blackberry messages and Facebook messages.

163 Complainant 2's testimony is specifically supported by the testimony of three witnesses who were employed in the Respondent's office during the same timeframe.

### **Documentary Evidence**

164 Both complainants and several witnesses submitted documentary evidence in the form of screen shots of text messages and Facebook conversations exchanged directly between them and the Respondent. Some of the testimony and documentary evidence pre-dates the adoption of the Code Conduct for Members of Council in May 2013. Consequently, I have not taken into consideration any testimony or documentary evidence for events prior to May 2013.

165 Many of the text exchanges appended to this report stand as proof that the meetings between the Respondent and his staff did occur and provide dates, times and telephone numbers. These elements add credibility to the testimonies offered.

166 In addition, some of the text exchanges offer considerable insight into the intentions of the Respondent, such as his obsession for the covert sexually exploitive tasking of his staff, his attitude towards women in the workplace and sexual harassment. Others actually confirm inappropriate requests and sexual content, innuendo and language.

167 The direct quotes below are extracts from the documentary evidence and are the Respondent's own words.

168 **On random confidential covert networking events:**

- In Appendix 25:

“I was referring to the original plan, way back when you had just been hired. That plan was to do random networking at the bar tomorrow night - something we will no longer do tomorrow night but we will do that on a different Saturday.”

- In Appendix 27:

“True. Some women, with only schooling and little experience, also have a problem here with the "chameleon" identity they sometimes need to assume for events we go to.”

“I mean, for esamoke [sic], one staffer, in one night, dressing and acting to stand out at a pig roast in Fitzroy and then later that night being refined at the library gala and then still later, being "that girl" at a [sic] event at a club/bar. All while keeping to the mission which is often not obvious to anyone else at the venues.”

- In Appendix 29:

“As far as "clubbing" goes, I'm not sure which of our couple of tried and true formula things would work best on you. But we have time to do that, at least before Canada night.”

- In Appendix 39(b):

“We can target a different Saturday for a first sneaky networking of randoms [sic] at those places. After those, on another day/night we may do something that is more formal?”

“And don't let me wiggle out of these”

“And then we'll perfect a system to catalogue the different types of contacts/enthusiasts”

“I was referring to the original plan, way back when you had just been hired. That plan was to do random networking at the bar tomorrow night - something we will no longer do tomorrow night but we will do that on a different Saturday.”

- In Appendix 39(d):

“Yeah. So if I had brought you and we had focused and done that instead of just being seen, it would have paid off. Also, you could have changed and we could have gone from the last one to a random networking to get someone for our noc list of knee-cappers.”

“then there is a chance the strategy is going to be that we classify events into 1) random networking (all 3 types) to learn and to get people for each of our 3 lists; 2) public interaction events like public consultations and 3) meetings with groups we already have connections with. And if that's it, you may be able to do almost all the #1s. [Name redacted] can't likely succeed at #1s and we can't have [name redacted] doing them because she has to do #3s and #2s.”

- In Appendix 39(e):

“Remember you, or the right part timer (not [name redacted]) need to do a random networking stint with me after the fireworks have ended on the night of Canada Day.”

- In Appendix 40:

“Is he going to be just as ok with you at networking bar assignments if he's around our building?”

- In Appendix 41:

“That means the random networking night events in which we are trying to recruit people for our "noc list" will not involve [name redacted] or even [name redacted] much. So it will be all, or mostly you on those. [Name redacted] will be at assignments where we are targeting specific individuals”

“It's a Mission Impossible term for a list of people who will help us by doing what we need done but never revealing they are doing it because we asked them to”

“You can't trust them so need things to move to a point where they feel like they can't betray you. It would always be guys. However, at other night events, you will be trying to recruit for our other lists. But they are not as challenging”

“We probably won't talk about the noc list assignments in front of FoxyCleopatra -at least not yet- because I'm not sure she should know AND I don't think she could do it and succeed, so I don't want her asking to do it. But there's a formula that works ... for someone who can do it”

“He [sic] NON noc list missions are what [name redacted] can take you on. She may have good tips for you. I don't think [sic] she's ever done a noc list

mission and, secretly, I think you could be better at them. I know what works so hopefully you will agree, or just believe me.”

“Yes. She is not going to succeed much at bars/clubs/ artsie random networking night assignments. But at others she will be ok”

“This type of assignment is super secret because it could appear manipulative”

#### 169 **On how staff should look and wear provocative clothing:**

- In Appendix 26:

“Also, what shirt size works best for you (not baggy)? I have to get you an RC T-shirt”

- In Appendix 27:

“So a different person every 5 minutes. Sounds ideal 😊 But even if the staffer is no good at that, what I hate most is when they ask me what I think they should wear, I tell them, and then they get all offended ... because it isn't what they were thinking.”

“And I know what works”

“Ok. And you do not need to dress formally!

“If anything you could dress like one of the events you might go to. But formal is stuffy”

“Even you will need to be outside your comfort zone sometimes”

“Other woman in my office is an accomplished cos player. One of the others, that is”

“Yes. Some are scary and super hero-ish. Some are quasi skanky. Some are just impressive.”

“If you are good at fashion, the fashion you currently choose to wear, then you may be a bit artistic”

- In Appendix 29:

“Ha. Well I can explain it all. But even if you stumble a bit at executing some events, it's probably going to be better than the one who doesn't even show:)”

Oh she also tried the excuse that she didn't have a thing to wear. I told her we had a bunch of stuff in all sizes assembled by a former staff member. So then she changed the subject”

“Yes. She was told what she should wear (two things, one for each event) a week ahead of time. And she said yes for sure but then, the night of, it became one of 4 different reasons for her to stay home and Sleep”

Anyway i [sic] don't know how you normally dress - except for your stunning Metro uniform, of course :) But I believe for most of the day to day times in the first week, you will wear things that will actually align with what [name redacted] (or I ) recommends. Not expecting you to buy new stuff.”

- In Appendix 30:

“Ok. Also I can bring some of the things you can try on in the restaurant washroom to get some idea.”

“Ok. Make sure you are wearing something that is easy to change from and into shirts like that. So not a dress.”

- In Appendix 32:

W8: “I’m just not 100% sure what to wear”

R: “Give me some options”

W8: “I have the white top you gave me that I can wear with some jean shorts or leggings”

W8: “I just don’t want to freeze”

R: “Ok wear that. It’s going to be 19C or warmer til we leave”

W8: “I’m wearing it with jeans”

R: “Ok.”

W8: “I’ve got a bralette underneath it, this should work”

R: "19C is warm for some. Cold for others?"

W8: "I'm on the fence"

W8: "I might get cold but a lot of people will be there"

R: "It will be fine"

- In Appendix 33:

C1: "It says cocktail attire"

R: "Yes. So feminine dressy but sexy."

C1: "I think I'll buy a dress tomorrow"

R: "It's easier for guys"

C1: "K I've got this"

R: "You said be blunt so: not Ho-ish but depending on the dress no bra required and black, blue or red usually works."

R: "It doesn't have to be expensive"

- In Appendix 35:

"[Name redacted] gushed about me for the first time ever - good to see his conversion. Also If [Complainant 1] hadn't worn a bra tonight (which would have worked we [sic] in the sexy but not overt cleavage option), it would have been funny because we were sitting with an Indian business owner named "[name redacted]". Only [name redacted] seemed unaware of the meaning of his name.

- In Appendix 36:

"By the way, you looked great and were dressed exactly right for tonight"

- In Appendix 40:

"Oh that reminds me .. you said to critique how you LOOK on the job. At the office so far, in terms of what you have worn, you have nailed it. Also your hair is perfect for this."

- In Appendix 41:

“Your shirt size is small to medium, right?”

“I will bring you some examples”

#### 170 **On explicit sexual language and comments:**

- In Appendix 36:

“And she thinks I'm boinking you because you just want a "brush with greatness”

“She also said you have good boobs and nice eyes”

“Yup. She wants to know if I'm cheating on you and banging my other staff too”

“Yes. Now she says your lips are hot too and that I must have picked you because of them”

- In Appendix 37:

“...and said "I need to spend time with you just some. I'll cut to the truth, I'd love to play with you. Any time. Or many times. Many different dates. Not just one. And I'm not even like that. I've only been with a total of four men in my life. So I'm not always doing this. You're just so meaningful to me!"

“She invited me to a 24 hour “session" which she says would “leave no stone unturned” That sounds too tiring”

- In Appendix 37:

“She said that if she knew I was going to be at that event tonight or any other event she would be there wearing somethings slinky and make up ... "just to help you out and, oh ok, to spend a little quality time with you. And I've never done that before with anyone else ". So slinky at an electricity night at the museum cocktail. \*I'm speaking about the chicken woman. Not the one that hates you”

- In Appendix 41:

“Yes. And she will need to get offended less because it pops up everywhere but yes, way more when dealing with guys on the prowl”

“Also she reminds me everyday [sic] that she's lacking big boobs”

- In Appendix 38:

“And two girls he knows, who are of a certain profession, want me to hire them - and they both seem baffled that I did t [sic] try to blink them - ha! \*boink, not "blink".”

- In Appendix 50:

“Also, FYI, [name redacted] still longs for [name redacted]’s asset. But once he could bare to move on, [name redacted] was hooking up with an average of 16 different females per month. And all for free! "but it's just not the same”

“3 per weekend and one midweek”

#### 171 **On sexual harassment in politics:**

- In Appendix 27:

“And another way our business is probably like yours (only yours may even be more extreme) is people somewhat sexually harassing women. (Not by me! ☺) But most here say there is no point in making a big issue out of it for many of the same reasons your (sic) in business?”

“When someone comes in off the street and makes comments etc they say there is just no reason to drag it out”

“Well if it is significant, and if the woman wants me to, I can handle it in some unconventional ways ☺”

- In Appendix 51:

“At the BIA last night [name redacted] was doing his best to try to poach [name redacted] from us. I witnessed a few technical sexual harassment [sic] by him on her.

“Like "I wouldn't mind being seen around town with her on my armS (sic)”

“Not really harassment. Just piggy”

“Also [name redacted] is not really all that. But she does carry herself very well and is super friendly so I think that creates the illusion of attractiveness? Or is attractiveness but in a different way”

**172 On sexually objectifying female employees**

- In Appendix 27:

“And in many cases, a female can manipulate males that way. Because guys are often stupid or at least temporarily stunned”

“And because they like to brag to women”

“Sometimes pretending to be drunk does it too 😊”

**173 On pitting employees against each other and creating a toxic workplace:**

- In Appendix 39(c):

“Yeah well I don't know whether I can even get this thing finished. And if I don't, we could have scandal. Btw Keep certain things secret from [name redacted] though. She has a lot of strengths but her "street smarts" are not up to your level.”

174 The statements made in the text exchanges with the complainants and other witnesses and the explicit vocabulary used by the Respondent himself serve as clear evidence to validate some of the allegations.

**FINDINGS**

175 As I did in my report to Council on July 15, 2020, I make these findings without the direct participation or any specific response from the Respondent. As I pointed out then, there is precedent for municipal Integrity Commissioners to report findings and make recommendations when respondents chose not to participate in investigations ([Toronto Parking Authority and Emery Village BIA \(Re\), 2019 ONMIC 12 \(CanLII\)](#); [Ford \(Re\), 2016 ONMIC 11 \(CanLII\)](#)).

***Standard of Proof: Balance of Probabilities***

176 In making findings of fact, Integrity Commissioners in the Province of Ontario adhere to the standard of proof for fact-finders in civil cases known as the

'Balance of Probabilities'. That standard is clearly explained in *F.H. v. McDougall*, [2008 SCC 53 \(CanLII\)](#), [2008] 3 SCR 41, 61; 2008 SCC 53 (SCC):

“In civil cases in which there is conflicting testimony, the judge must decide whether a fact occurred on a balance of probabilities, and provided the judge has not ignored evidence, finding the evidence of one party credible may well be conclusive of the result on an important issue because that evidence is inconsistent with that of the other party. In such cases, believing one party will mean explicitly or implicitly that the other party was not believed on an important issue. That may be especially true where a plaintiff makes allegations that are altogether denied by the defendant...”

177 The balance of probabilities standard of proof requires a finding that it is more likely than not that an alleged event has occurred and requires that this finding is based on evidence that is clear, convincing and cogent.<sup>21</sup>

178 The criminal standard of “proof beyond a reasonable doubt” does not apply.

179 To come to a decision without the Respondent’s written response or testimony, what I have before me is his public and categorical denial versus the sworn testimony and supporting documentation provided by the complainants and witnesses.

### ***Each Allegation Must be Proved Separately***

180 The Investigator has reported that the evidence gathered has established the allegations respecting the conduct of the Respondent.

181 After my own review of the testimony and the documentary evidence as well as public denials of the Respondent over the course of the inquiry, I have prepared the following findings with respect to the complaints against Councillor Chiarelli.

182 In making my findings I have considered each allegation separately, on its own merit, against the language and the terms of relevant sections of the Code of Conduct.

### ***On Section 4 (General Integrity) of the Code of Conduct***

183 The first element of Section 4 that is pertinent is:

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<sup>21</sup> *F.H. v. McDougall*, [2008 SCC 53](#) at paragraphs 49 and 46.

*(4.1) Members of Council are committed to performing their functions with integrity, accountability and transparency.*

184 The Merriam-Webster dictionary defines “integrity” as follows:

*“firm adherence to a code of especially moral or artistic values.”<sup>22</sup>*

185 The second element of Section 4 that is pertinent is:

*(4.4) Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.*

186 I have concluded on a balance of probabilities that:

- 1) The conduct of the Respondent acting as a public service employer did not honourably serve the interest of his constituents;
- 2) The Respondent manipulated the two complainants by pressuring them to use their sexuality for the questionable purpose of recruiting male volunteers and spying or gathering information on his Council colleagues; and
- 3) The Respondent repeatedly told sexualized stories about former office staff, colleagues and members of the public that were offensive and disrespectful.

187 None of this represents a “conscientious and diligent” conduct, nor does it reflect any adherence to a code of “especially moral values”. None of this serves the public good. None of this meets the terms of the definition of the word “integrity”. It has brought harm to the trust citizens invest in elected public office holders. It has brought harm to individuals victimized by such a dishonourable behaviour.

188 Therefore, I find that the allegations are founded and find **that the Respondent has breached Sections (4.1) and (4.4) of the Code of Conduct in respect of each of the two complainants.**

### ***On Section 7 (Discrimination and Harassment) of the Code of Conduct***

189 The Code of Conduct for Members of Council states:

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<sup>22</sup> “Integrity.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/integrity> (19 June 2020).

*“7. All members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies and, where applicable, the City’s Violence and Harassment in the Workplace Policy.”*

190 The *Ontario Human Rights Code* (“OHRC”) s. 10 (1) defines harassment as:

*“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;*

191 The City of Ottawa’s *Violence and Harassment in the Workplace Policy* defines harassment as:

*“as an incident or course of conduct of behaviour, gestures or comments that is:*

- a) vexatious*
- b) unwelcome or ought known to be unwelcome.”*

192 The Policy also includes examples of the types of behaviour defined as harassment, including:

- a) unwelcome remarks, jokes, innuendoes about a person's body, mannerisms, attire, sex, race, ethnicity or religion, sexual orientation or disability;
- b) leering (lewd staring) or other explicit sexual gestures;
- c) unwelcome physical contact such as touching, kissing, patting or pinching;
- d) unwelcome sexual flirtation, advance or proposition with promise of reward for complying;
- e) refusing to work or co-operate with a worker because of his/her ethnic, racial or religious background;
- f) persistent unwanted contact or attention after the end of a consenting relationship;
- g) behaviour that undermines or sabotages the worker's job performance; and
- h) behaviour that threatens the livelihood of the worker.

193 Section 1(1) of the *Occupational Health and Safety Act* lists the following definitions:

*“workplace harassment” means,*

*(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or*

*(b) workplace sexual harassment; (“harcèlement au travail”)*

*“workplace sexual harassment” means,*

*(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome...”*

194 The Council Staff Relations Policy states:

*“The City of Ottawa will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation, guided by the Code of Conduct for Members of Council, the Employee Code of the Conduct, the Violence in the Workplace Policy, the Harassment in the Workplace Policy and the Procedure By-law.”*

195 While harassment often refers to a course of conduct against a specific individual, it also encompasses a single incident as set out in the City of Ottawa’s *Violence and Harassment in the Workplace Policy*.

196 Section 7 of the Code of Conduct specifically imposes on Members of Council the duty to treat *“staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.”*

197 I have again evaluated each allegation on its own merits relating to the above ethical tenets.

198 In their formal complaints and again in their sworn testimony, the two complainants allege that the Respondent shared sex stories, showed pictures and made comments that were inappropriate and sexual in nature. They testified that the Respondent told them on multiple occasions that dressing provocatively and going bra-less was an effective volunteer recruitment strategy at events and bars. These allegations are expressly supported by text messages provided by

Complainant 1. Other witnesses also provided documentary evidence in which the Respondent makes similar comments respecting how employees should dress and “what works”.

- 199 The stories and comments started when both complainants interviewed with the Respondent, as members of the public, and continued on throughout their employment with the Respondent. One witness (Witness 7) testified she did not believe the Respondent had any sexual interest in staffers and no evidence of sexual touching or assault was uncovered. However several witnesses confirmed that the Respondent regularly told sexualized stories, to the degree that sexual discourse was normalized in the office. These stories were not only sexual in nature, but they most often focused on alleged sexual activity of the Respondent’s colleagues on Council, and former and current employees in the course of their duties.
- 200 Both complainants state that the Respondent’s conduct made them uncomfortable, fearful and troubled and that it affected their mental health.
- 201 The Respondent repeatedly used threats of possible dismissal and post-employment reprisals to gain compliance for questionable assignments, creating a culture of fear. The Respondent took advantage of these employees in the power he held over them.
- 202 In a 2017 case in the City Vaughan, the Integrity commissioner aptly described the power relationship:

*“There is a substantial power imbalance between the Complainant and the Respondent which must be considered. Courts and tribunals now recognize that a substantial power imbalance can erode, if not impede, a Complainant’s belief that they can refuse unwanted advances. The victim fears unforeseen consequences which could be either personal or work-related. In these cases, it is not uncommon for victims of harassment to tolerate unwanted behaviour longer than expected. The Ontario Human Right’s Commission notes that a person does not have to object to the harassment at the time it happens for there to be a violation, or for the person to claim their rights under the Code. Even*

*though a person being harassed may take part in sexual activity or other related behaviour, this does not mean they consent.*<sup>23</sup>

- 203 In the case now before me, there is no evidence that points to unwanted advances or touching, but the Respondent deliberately and systematically exploited the power dynamic of the employer/employee relationship. His actions represent the classic scenario: the male perpetrator occupies a more powerful or dominant position in relation to the female victim and abuses that authority in using progressive manipulative strategies to outright control the behaviour and performance of a subordinate.
- 204 In his public statement, the Respondent firmly stated that he has “never treated a member of [his] staff (including job candidates) in a sexually harassing, discriminatory, or inappropriate “gender-based” fashion.”
- 205 In the face of the detailed, convincing testimony of the two complainants along with the documentary and evidence of several witnesses, I cannot accept his public and flat denial as a credible answer to the allegations.
- 206 I conclude that Respondent’s conduct is a shocking and astounding failure to treat the complainants with the respect they were due and required of him by the Code of Conduct. These are incomprehensible incidents of harassment that fall squarely within the definitions set out in the above City policies. The Respondent has deliberately engaged in a course of vexatious and troublesome comments against several individuals; he was absorbed in planning and executing volunteer subterfuge recruitment campaigns by objectifying the sexuality of his female employees; he abused his staff by tasking them with improper duties and functions; he employed intimidation and divisive ploys, including threats of dismissal and retaliation to coerce individuals to submit to his demands. With forethought, he conducted himself with total disregard for any of the principles and values outlined in the Code of Conduct and the workplace policies proclaimed by Council.
- 207 In summary, based on the principles stated in *F.H. v. McDougall*, 2008 SCC 53, I believe the complainants and find on a balance of probabilities that the Respondent breached s. 7 of the Code in respect of Complaint 1 and Complaint 2.

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<sup>23</sup> Di Biase (Re), 2017 ONMIC 22 (CanLII), <<http://canlii.ca/t/j9sfh>>.

208 I find that the Respondent has breached the *Violence and Harassment in the Workplace Policy* and Section 7 of the Code of Conduct.

**On Section 10 (Conduct Respecting Staff) of the Code of Conduct**

209 Section 10 reads as follows:

*Conduct Respecting Staff*

10.

1. *The Municipal Act, 2001 sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, Auditor General and the Integrity Commissioner.*
2. *Members of Council are expected to:*
  - a. *represent the public and to consider the well-being and interests of the municipality;*
  - b. *develop and evaluate the policies and programs of the municipality;*
  - c. *determine which services the municipality provides;*
  - d. *ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;*
    - i. *ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;*
  - e. *maintain the financial integrity of the municipality; and*
  - f. *carry out the duties of council under the Municipal Act, 2001 or any other Act.*
3. *Municipal staff is expected to:*
  - a. *implement council's decisions and establish administrative practices and procedures to carry out council's decisions;*

- b. undertake research and provide advice to council on the policies and programs of the municipality; and*
  - c. carry out other duties required under the Municipal Act, 2001 or any Act and other duties assigned by the municipality.*
- 4. City Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the City Manager, city staff, and the staff of the Offices of the Auditor General and the Integrity Commissioner, serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council.*
- 5. Members of Council shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council.*
- 6. Members of Council should not:*
  - a. Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;*
  - b. Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or*
  - c. Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.*

210 On review of the language in Section 10 and in particular the use of the word "staff" throughout the clauses, I have determined that it does not apply.

211 While one could plausibly interpret the word staff to include Councillors' assistants, it seems to me that this section was drafted to more specifically address the relationship between Members of Council and the professional permanent city employees and the independent officers of Council.

212 As I have decided that the said section does not apply, I find that the Respondent has not breached Section 10 of the Code of Conduct.

213 I intend to raise this interpretation anomaly in my next annual report to City Council to clarify the meaning of this section.

## RECOMMENDATIONS

214 As provided for in both s. 223.4(5) of *Municipal Act, 2001* and Section 15 the Code of Conduct for Members of Council, the Integrity Commissioner may make recommendations to City Council with respect to sanctions and other corrective actions when I am of the opinion that a contravention of the Code of Conduct has occurred.

215 Section 15 of the Code of Conduct reads as follows:

1. *Members of Council are expected to adhere to the provisions of the Code of Conduct. The Municipal Act, 2001 authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:*

1. *A reprimand; and*
2. *Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.*

2. *The Integrity Commissioner may also recommend that Council impose one of the following sanctions:*

1. *Written or verbal public apology;*
2. *Return of property or reimbursement of its value or of monies spent;*
3. *Removal from membership of a committee; and*
4. *Removal as chair of a committee.*

3. *The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.*

216 As Integrity Commissioner, it is my responsibility to recommend sanctions when findings, following proper investigation, determine that provisions of the Code of Conduct have been breached.

217 The most serious sanction is the suspension of up to 90 days of the Councillor's remuneration. As I said in an earlier report to Council (July 15, 2020), this sanction should normally be used in a progressive way, such as 30/60/and 90 days, depending on the experience of the Councillor, how flagrant the behaviour and whether acknowledgment of misbehaviour, remorse or regret are expressed.

It should be reserved for some of the most egregious violations of Code of Conduct. It should also only apply when there are no acceptable avenues for reparation or no mitigating circumstances that could in part explain the offending behaviour.

218 It should be noted that pursuant to s. 5(2.1) of the *Municipal Conflict of Interest Act, 1990*, the Respondent will have an opportunity to respond to this report by participating in the debate when Council considers my recommendations:

*(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the Municipal Act, 2001 or under subsection 160 (5) or (6) of the City of Toronto Act, 2006:*

- 1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.*

219 The two complaints apposite are similar in nature and were grouped for purposes of this report. However, each complaint stands alone when making a finding and in considering an appropriate sanction recommendation.

220 Having considered the above mentioned principles, because the Councillor is the most senior elected public office holder on Council and that his disreputable management style as an employer and his offensive personal behaviour has been going on at least since the adoption of the Code of Conduct in May 2013, I have decided once more that the most severe of sanctions are warranted in this case.

221 Therefore, I recommend that City Council:

1. Receive this report, including the finding that Councillor Chiarelli has contravened Sections 4 and 7 of the Code of Conduct; and
2. Impose the following sanctions for each individual contravention of the Code of Conduct:

**Complaint #1** – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days;

**Complaint #2** – Suspension of the remuneration paid to the Respondent in respect of his service as a Member of Council for 90 days; and

3. That the effective starting date for the above recommendations for suspension of remuneration follow the end of the suspensions of remuneration of the Respondent approved by Council on July 15, 2020 and be applied consecutively.
4. That Council remove the Respondent from the membership of all committees of Council and any other boards, local boards, agencies or commissions he has been appointed to by Council for the remainder of the 2018-2022 term of office.
5. That Council suspend all delegated authorities of the Respondent to hire staff and to order and approve any budgetary expenditures for the remainder of the 2018-2022 term of office and that the said delegated authorities shall be vested as recommended by the Clerk in a separate report to Council.

222 This report is made pursuant to Part II, Section 11 of the Complaint Protocol.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Marleau". The signature is fluid and cursive, with the first letter of each name being significantly larger and more stylized.

Robert Marleau, C.M.  
Integrity Commissioner



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**OTTAWA CITY COUNCIL  
Disposition 44**

**Wednesday, November 25 2020  
10:00 am**

**By Electronic Participation**

**This Meeting will be held through electronic participation in accordance with Section 238 of the *Municipal Act, 2001* as amended by the *COVID-19 Economic Recovery Act, 2020***

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*Note: Please note that the recorded votes and dissents contained in this Disposition are to be considered DRAFT until the Minutes of the meeting are confirmed by Council.*

**[COVID-19 REMARKS BY MAYOR WATSON](#)**

**[VERBAL UPDATES](#)**

**[OTTAWA PUBLIC HEALTH / EMERGENCY AND PROTECTIVE SERVICES](#)**

1. **[COVID-19 VERBAL UPDATES](#)**

Council received a verbal update from Doctor Vera Etches, Medical Officer of Health. A copy of the presentation is on file with the City Clerk's Office. Anthony Di Monte, General Manager, Emergency and Protective Services, provided remarks on the COVID-19 Vaccine Distribution Task Force.

**REPORTS**

**[INTEGRITY COMMISSIONER](#)**

2. **[REPORT TO COUNCIL ON AN INQUIRY RESPECTING THE CONDUCT OF COUNCILLOR CHIARELLI](#)**

## REPORT RECOMMENDATIONS

The Integrity Commissioner recommends that City Council:

1. **Suspend the notice requirement in Section 13 of the Complaint Protocol (Appendix A to By-law 2018-400) to consider this report.**
2. **Receive this report, including the finding that Councillor Chiarelli has contravened Section 4 and Section 7 of the Code of Conduct.**
3. **Impose the following sanctions for each individual contravention of the Code of Conduct:**
  - a. **Complaint 1 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days;**
  - b. **Complaint 2 – Suspension of the remuneration paid to Councillor Chiarelli in respect of his service as a Member of Council for 90 days.**
4. **Direct that the effective starting date for the above recommendations for suspension of remuneration follow the end of the suspensions of remuneration of Councillor Chiarelli approved by Council on July 15, 2020 and be applied consecutively.**
5. **Remove Councillor Chiarelli from the membership of all committees of Council and any other boards, local boards, agencies or commissions he has been appointed to by Council for the remainder of the 2018-2022 term of office.**
6. **Suspend all delegated authorities of Councillor Chiarelli to hire staff and to order and approve any budgetary expenditures for the remainder of the 2018-2022 term of office and that the said delegated authorities shall be vested as recommended by the City Clerk in a separate report to Council.**

## MOTION

Moved by Councillor C. McKenney

Seconded by Mayor J. Watson

**WHEREAS the Integrity Commissioner's report to Council on July 15, 2020 determined that under the Council Code of Conduct and the City's Violence and Harassment in the Workplace Policy that Councillor Chiarelli had engaged in**

harassment involving three women who were interviewed for possible employment in the Councillor's office; and

**WHEREAS** the Integrity Commissioner's report to Council on November 25, 2020 involving two complaints against Councillor Chiarelli from former employees determined that the Councillor contravened Section 4 (General Integrity) and Section 7 (Discrimination and Harassment) of the Code of Conduct; and

**WHEREAS** the Integrity Commissioner in his report of November 25, 2020, recommended that Council direct that the effective starting date for the above recommendation for suspension of remuneration follow the end of suspensions of remuneration of Councillor Chiarelli approved by Council on July 15, 2020; and

**WHEREAS** the Integrity Commissioner also recommended that Councillor Chiarelli be removed from the membership of all committees of Council and any other boards, local boards, agencies of commissions he has been appointed to by Council for the remainder of the 2018-2022 term of office; and

**WHEREAS** the Integrity Commissioner also recommended that City Council suspend all delegated authorities of Councillor Chiarelli to hire staff and to order and approve any budgetary expenditures for the remainder of the 2019-2022 term of office; and

**WHEREAS** the Integrity Commissioner's Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli, dated November 3, 2020, refers to the disreputable management style as an employer and offensive personal behaviour which has been going on at least since the he adoption of the Code of Conduct in May 2013; and

**WHEREAS** City Council is limited in its ability to pursue additional sanctions but wants to recognize, in the strongest possible terms, that no one should be subject to the behaviors described in these reports; and

**WHEREAS** the common elements described by complainants and witnesses may mean that there are other former employees and applicants with similar experiences who were unable to come forward, for whatever reasons; and

**WHEREAS** City Council wishes to recognize the courage of all those who came forward, at personal cost to themselves, to bring these behaviors to light, and to let them know that they have been heard by this Council;

**THEREFORE BE IT RESOLVED** that Council direct the Mayor to issue a formal apology on behalf of Ottawa City Council to the women who were subjected to discrimination and harassment by Councillor Chiarelli while employed at the City of Ottawa, to the women who were subjected to discrimination and harassment by Councillor Chiarelli during interviews for employment in the office of the Councillor, and to any other women who experienced discrimination and harassment by Councillor Chiarelli but were unable to come forward as a complainant or witness.

CARRIED

**MOTION**

Moved by Councillor T. Kavanagh

Seconded by Councillor M. Fleury

**WHEREAS** in his report entitled, “Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli” the City’s Integrity Commissioner, Mr. Robert Marleau, found that Councillor Rick Chiarelli had “deliberately and systematically exploited the power dynamic of the employer/employee relationship” and that his “actions represent the classic scenario: the male perpetrator occupies a more powerful or dominant position in relation to the female victim and abuses that authority in using progressive manipulative strategies to outright control the behaviour and performance of a subordinate”; and

**WHEREAS** the Integrity Commissioner detailed findings included that:

1. “The conduct of [Councillor Chiarelli] acting as a public service employer did not honourably serve the interest of his constituents;
2. [Councillor Chiarelli] manipulated the two complainants by pressuring them to use their sexuality for the questionable purpose of recruiting male volunteers and spying or gathering information on his Council colleagues; and
3. [Councillor Chiarelli] repeatedly told sexualized stories about former office staff, colleagues and members of the public that were offensive and disrespectful”; and

**WHEREAS** the Integrity Commissioner found that Councillor Chiarelli, with “forethought . . . conducted himself with total disregard for any of the principles and values outlined in the Code of Conduct and the workplace policies proclaimed by Council.” and;

**WHEREAS** the Integrity Commissioner found that Councillor Chiarelli contravened Section 4 (General Integrity) and Section 7 (Discrimination and Harassment) of the Code of Conduct and has recommended to Council the suspension of the remuneration paid to Councillor Chiarelli for 90 days for each complaint, amounting to 180 days;

**THEREFORE BE IT RESOLVED** that City Council call on Councillor Rick Chiarelli to recognize that his conduct in these matters has been contrary to the Code of Conduct for Members of Council and that, in the interest of preserving public confidence and respect for the City of Ottawa and the effective representation of residents living in Ward 8, he tender his resignation as a member of City Council, effective immediately.

CARRIED

**MOTION**

Moved by Councillor J. Sudds  
Seconded by Councillor G. Gower

**WHEREAS many brave women came forward and shared their experiences and showed tremendous courage by their actions and inspired many to stand with them; and**

**WHEREAS the Integrity Commissioner's previous report entitled "Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli" (ACS2020-OCC-GEN-0023), considered by Council on July 15, 2020 concluded that all three allegations were not vexatious or frivolous, and that the courageous and brave women who provided testimony were credible and their allegations were established and founded; and**

**WHEREAS the July 15<sup>th</sup> Integrity Commissioner's Report found that Councillor Chiarelli contravened Section 4 and Section 7 of the Code of Conduct and Council approved the suspension of the remuneration paid to this individual for 90 days for each complaint, amounting to 270 days; and**

**WHEREAS Motion 38/4, that Council unanimously approved will ensure that \$79,300 are invested in the Ottawa Coalition to End Violence Against Women and the Ottawa Aboriginal Coalition, coalitions that both support organizations that do invaluable work in our City and are partners in the work being done by the Gender and Race Equity, Indigenous Relations, Diversity and Inclusion Branch; and,**

**WHEREAS in his current report entitled "Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli" (ACS2020-OCC-GEN-0033) the City's independent Integrity Commissioner found that the "respondent deliberately and systematically exploited the power dynamic of the employer/employee relationship. His actions represent the classic scenario: the male perpetrator occupies a more powerful or dominant position in relation to the female victim and abuses that authority in using progressive manipulative strategies to outright control the behaviour and performance of a subordinate"; and,**

**WHEREAS the City's independent Integrity Commissioner has found that:**

- 1. "The conduct of the Respondent acting as a public service employer did not honourably serve the interest of his constituents;**
- 2. The Respondent manipulated the two complainants by pressuring them to use their sexuality for the questionable purpose of recruiting male volunteers and spying or gathering information on his Council colleagues; and**
- 3. The Respondent repeatedly told sexualized stories about former office staff, colleagues and members of the public that were offensive and disrespectful." and;**

**WHEREAS the Integrity Commissioner's Report found that the "conduct is a shocking and astounding failure to treat the complainants with the respect they were due and required of him by the Code of Conduct. These are incomprehensible**

incidents of harassment that fall squarely within the definitions set out in the above City policies. The Respondent has deliberately engaged in a course of vexatious and troublesome comments against several individuals; he was absorbed in planning and executing volunteer subterfuge recruitment campaigns by objectifying the sexuality of his female employees; he abused his staff by tasking them with improper duties and functions; he employed intimidation and divisive ploys, including threats of dismissal and retaliation to coerce individuals to submit to his demands. With forethought, he conducted himself with total disregard for any of the principles and values outlined in the Code of Conduct and the workplace policies proclaimed by Council.” and;

WHEREAS in the Integrity Commissioner’s Report found that “both complainants state that the Respondent’s conduct made them uncomfortable, fearful and troubled and that it affected their mental health.” and;

WHEREAS in the Integrity Commissioner’s Report found that Councillor Chiarelli contravened Section 4 and Section 7 of the Code of Conduct and has recommended to Council the suspension of the remuneration paid to this individual for 90 days for each complaint, amounting to 180 days and;

THEREFORE BE IT RESOLVED that subject to Council’s approval of the of the 2021 City budget, that in the same manner as Motion 38/4 unanimously adopted by Council on August 26, 2020 that the City’s Chief Financial Officer be directed to invest the total 2021 remuneration being suspended from this Member of Council due to the contraventions of Section 4 and Section 7 of the Code of Conduct, to be allocated to community organizations that support survivors of domestic violence and/or sexual assault in consultation with the General Manager of Community and Social Services and;

BE IT FURTHER RESOLVED that Council direct the Mayor in consultation with the City Clerk and the City Solicitor write to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, seeking revisions to the *Municipal Act, 2001* that would provide for the vacating of the seat of a member of council who has been found on clear and convincing evidence to have committed serious misconduct, including any definitions necessary for the implementation of such a provision; and

BE IT FURTHER RESOLVED the City Clerk be directed to provide a report at the next regularly scheduled meeting of Council on the implementation of recommendation 6 found in the “Report to Council on an Inquiry Respecting the Conduct of Councillor Chiarelli” (ACS2020-OCC-GEN-0033) and;

BE IT FURTHER RESOLVED that the City Clerk and City Solicitor, in consultation with Corporate Security, review and report back to Council on options for introducing further restrictions on Councillor Chiarelli’s access to City staff in City of Ottawa municipal buildings;

BE IT FURTHER RESOLVED that Councillor Chiarelli may only participate in Council Meetings via electronic methods or, when in-person Council meetings resume in Council Chambers, in alternative seating to be reserved for the Member of Council by the City Clerk and which is not physically near other Members of Council.

## CARRIED

The Integrity Commissioner's report recommendations, as amended by the above motions, were put to Council and CARRIED on a division of 22 YEAS and 0 NAYS, as follows:

YEAS (22): Councillors L. Dudas, K. Egli, J. Cloutier, S. Moffatt, D. Deans, T. Tierney, J. Sudds, G. Darouze, M. Luloff, M. Fleury, R. King, C. A. Meehan, C. Kitts, T. Kavanagh, C. McKenney, R. Brockington, G. Gower, S. Menard, J. Leiper, E. El-Chantiry, A. Hubley, Mayor J. Watson

NAYS (0):

## DIRECTION TO STAFF

That the letter to the Minister of Municipal Affairs and Housing arising from the Sudds/Gower Motion also be copied to the Honourable Lisa McLeod, Ministry of Heritage, Sport, Tourism and Culture Industries and Member for Nepean, and all other local Members of Provincial Parliament.

## COMMITTEE REPORTS

## AGRICULTURE AND RURAL AFFAIRS COMMITTEE REPORT 17

3. [ZONING BY-LAW AMENDMENT – PART OF 6335 PERTH STREET](#)

## COMMITTEE RECOMMENDATION

**That Council approve an amendment to Zoning By-law 2008-250 for part of 6335 Perth Street to adjust zone boundaries and some of the multiple attached zone provisions within Phase 2 of the residential subdivision, as shown in Document 1 and detailed in Document 2.**

CARRIED

4. [MOTION - NORTH GOWER CENOTAPH – ONE TIME GRANT](#)

## COMMITTEE RECOMMENDATION

**That Council approve that the North Gower Recreation Association receive a one time \$15,000 grant paid for from the**

**Ward 21 CILP account and the administrative costs associated with providing a Consent To Enter be waived.**

CARRIED

AUDIT COMMITTEE REPORT 8

5. [OFFICE OF THE AUDITOR GENERAL – INVESTIGATION OF THE LEASE CANCELLATION FOR 300 COVENTRY ROAD](#)

**COMMITTEE RECOMMENDATION**

**That Council consider and approve the investigation's recommendations.**

CARRIED

6. [OFFICE OF THE AUDITOR GENERAL – REVIEW OF OC TRANSPOR BUS MAINTENANCE](#)

**COMMITTEE RECOMMENDATION**

**That Council consider and approve the review's recommendations.**

CARRIED

7. [OFFICE OF THE AUDITOR GENERAL – REVIEW OF OC TRANSPOR DRIVER TRAINING](#)

**COMMITTEE RECOMMENDATION**

**That Council consider and approve the review's recommendations.**

CARRIED

8. [OFFICE OF THE AUDITOR GENERAL – REPORT ON THE FRAUD AND WASTE HOTLINE](#)

**COMMITTEE RECOMMENDATION**

**That Council receive the Report on the Fraud and Waste Hotline.**

RECEIVED

**BUILT HERITAGE SUB-COMMITTEE REPORT 17**

- |  |
|--|
| 9. <a href="#"><u>ADDITIONS TO THE HERITAGE REGISTER – CENTRETOWN HERITAGE STUDY</u></a> |
|--|

**COMMITTEE RECOMMENDATION**

**That Council approve the addition of the properties listed in Document 1 to the City of Ottawa's Heritage Register, in accordance with Section 27 of the *Ontario Heritage Act*.**

CARRIED

- |   |
|---|
| 10. <a href="#"><u>ADDITIONS TO THE HERITAGE REGISTER</u></a> |
|---|

**COMMITTEE RECOMMENDATION**

**That Council approve the addition of the properties listed in Document 1 to the City of Ottawa's Heritage Register, in accordance with Section 27 of the *Ontario Heritage Act*.**

CARRIED

**STANDING COMMITTEE ON ENVIRONMENTAL PROTECTION,  
WATER AND WASTE MANAGEMENT REPORT 12**

- |  |
|--|
| 11. <a href="#"><u>NEW TREE PROTECTION BY-LAW – ADMINISTRATIVE UPDATES</u></a> |
|--|

**COMMITTEE RECOMMENDATIONS**

**That Council:**

1. **Approve the amendments to the Tree Protection By-law as described in the report;**
2. **Approve the amendment to the Planning Fees By-law, 2015-96 as described in this report;**
3. **Delegate the authority to the General Manager, Planning, Infrastructure and Economic Development and the City Solicitor to make the amendments described in this report and to bring forward the by-laws to Council for enactment.**

CARRIED

12. <a href="#"><u>MOTION - COMMENTS ON DRAFT BLUE BOX REGULATIONS</u></a>
--

#### **COMMITTEE RECOMMENDATIONS**

**That Council:**

1. **Delegate authority to the General Manager of Public Works and Environmental Services to work with the Solid Waste Master Plan Council Sponsors Group to prepare and finalize comments on the draft blue box regulations on behalf of the City of Ottawa; and**
2. **Direct City staff to provide Council with a copy of the comments submitted to the Province and provide an update to Committee and Council to highlight any notable changes between the draft regulations and final regulations, once they are registered in late 2020 or early 2021.**

CARRIED

#### **FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 18**

13. <a href="#"><u>LANSDOWNE ANNUAL REPORT AND COVID-19 IMPACTS UPDATE</u></a>
--

#### **COMMITTEE RECOMMENDATIONS**

**That Council:**

1. **Approve the changes to the Lansdowne Partnership Plan Agreements identified below, as required and as outlined in this report, to assist in mitigating the impacts of COVID-19 by increasing the liquidity of the partnership to better manage cashflows, and delegate the authority to the City Manager, in consultation with the City Solicitor and Chief Financial Officer, to negotiate and execute any amendments required to give effect to Council's decisions:**
  - a. **To extend the partnership and associated closed financial system and Waterfall by ten years from 2044 to 2054; and**
  - b. **To remove the participation rent and to maintain base rents at current levels in the event of a permitted transfer of the Retail Component during the term of the Retail Lease; and**
  - c. **To remove the City's provision to terminate the Retail Lease without cause; and**
  - d. **To provide the Ottawa Sports & Entertainment Group (OSEG) one-time access to the current capital reserve (lifecycle) funds, while they continue to fund lifecycle investments required based on formalized administrative practices for the City to approve these investments; and**
2. **Approve the establishment of a Lansdowne Park Partnership Working Group consisting of City staff and representatives from OSEG to explore the options to improve the Lansdowne Park Partnership and position it for continued success in a post-COVID environment as well as a Council Sponsor Group to support the Working Group, as described in this report, with the Working Group to report back to the Finance and Economic Development Committee and Council no later than Q2 2021; and**
3. **Receive the following status update report related to the Lansdowne Partnership Plan:**
  - a. **The update from the City Manager outlining the delegated authority exercised from October 2019 to date by the City Manager, the City Solicitor and the Chief Financial Officer, under the finalized and executed Lansdowne Partnership Plan Legal Agreements; and**
  - b. **The update from the City Manager on the August 28, 2020 Lansdowne Master Partnership Meeting and**

**Meetings Amongst Parties to the Unanimous Shareholder Agreements; and**

- c. **The status update outlined in this report regarding the operations of the Lansdowne Public-Private Partnership as referenced in Section 10 of the 2019 - Procurement Year in Review report (ASC2020-ICS-PRO-0001).**

DEFERRED to the December 9, 2020 Council meeting by the following motion:

**MOTION**

Moved by Mayor J. Watson

Seconded by Councillor J. Cloutier

**WHEREAS the *Lansdowne Annual Report and COVID-19 Impacts Update* was considered by the Finance and Economic Development Committee on November 12, 2020; and**

**WHEREAS the Audit of Lansdowne Accounting/Waterfall was released and considered at the Audit Committee meeting of November 24 and will rise for Council's consideration at the December 9, 2020, Council meeting; and**

**WHEREAS deferral of the *Lansdowne Annual Report and COVID-19 Impacts* report would allow Council to consider both reports at the same meeting and allow more time for Members of Council to receive feedback from their residents;**

**THEREFORE BE IT RESOLVED THAT the *Lansdowne Annual Report and COVID-19 Impacts Update* report be deferred to the next City Council meeting scheduled for December 9, 2020.**

CARRIED

- |  |
|--|
| <p>14. <a href="#"><u>DELEGATION OF AUTHORITY – ACQUISITION AND SALE OF LAND AND PROPERTY – JANUARY 1, 2020 TO JUNE 30, 2020</u></a></p> |
|--|

**COMMITTEE RECOMMENDATION, AS AMENDED**

**That Council receive and approve this report, as amended by Document 1.**

CARRIED

15. <a href="#"><u>OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT – PART OF 100 BAYSHORE DRIVE</u></a>
---

**COMMITTEE RECOMMENDATIONS**

**That Council approve:**

- 1. an amendment to the Official Plan, Volume 1, Section 3.6.1 - General Urban Area, Policy 17, for part of 100 Bayshore Drive, adding site specific policies, as detailed in Document 2;**
- 2. an amendment to Zoning By-law 2008-250 for part of 100 Bayshore Drive to permit a residential development including two towers with heights up to 30-storeys, as detailed in Document 3; and**
- 3. that the implementing Zoning By-law does not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.**

CARRIED

DIRECTION TO STAFF (Councillor Kavanagh):

Given the significance of the proposed development, that staff be directed as follows for the first phase of development subject to Site Plan Control:

Prior to the Site Plan application being submitted and deemed complete, that staff:

1. Encourage the applicant/owner to host a public meeting with local residents and community groups in effort to discuss the details of the first development phase, and an opportunity to discuss community concerns;
2. Work with the applicant/owner and the Ward Councillor to secure an appropriate venue and notify members of the public; and

During the Site Plan Control process, that staff:

1. Schedule a Community Information Session during the initial comment period;
2. Consider the following during the Site Plan Control Process:
  - a. Design details should demonstrate how convenient pedestrian access is to be provided from the Bayshore community to the Bayshore Rapid Transit Station;
  - b. The Transportation Impact Assessment submitted with the application should include an analysis of Woodridge Crescent and surrounding area;

- c. That the number of affordable housing units, and unit type should be confirmed and reflected in the conditions of approval; and

Acknowledge that Delegated Authority may be removed if the Ward Councillor is not satisfied with the submission details and response to community interests.

16. [ZONING BY-LAW AMENDMENT – 433, 435 CHURCHILL AVENUE NORTH, 468, 472 BYRON PLACE](#)

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council approve:

1. an amendment to Zoning By-law 2008-250 for 433 and 435 Churchill Avenue North, and 468 and 472 Byron Place, to permit a six-storey mixed-use development, as detailed in Document 2, as amended by the following:
  - a. that Document 2, Details of Recommended Zoning, clause 3(c)(vi) be amended to replace “1.0 metre” with “1.5 metres” as it relates to the outdoor roof-top terraces; and
  - b. that Document 3, Schedule YYY, be amended by replacing Document 3 with the revised Schedule, per Planning Committee Motion No PLC 2020-32/1;
2. that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.

CARRIED

17. [STORMWATER MANAGEMENT DESIGN CRITERIA FOR THE PINECREST CREEK/WESTBORO AREA](#)

**COMMITTEE RECOMMENDATION**

That Council approve the Stormwater Management Design Criteria for the Pinecrest Creek/Westboro Area as described herein and listed as Document 2.

CARRIED

18. [BIRD-SAFE DESIGN GUIDELINES](#)

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council:

1. approve the Bird-Safe Design Guidelines, attached as Document 1;
2. approve that the following be added to the Disposition section of the report:
  - “3. Post the Bird-Safe Design Guidelines – Development Application Review Criteria on the City’s website, in an accessible format, to provide clarity to Planning Services staff and applicants when applying the guidelines.”

CARRIED

- |  |
|--|
| <p>19. <a href="#"><u>MOTION - COUNCIL RESOLUTION REGARDING SECTION 45 OF THE <i>PLANNING ACT</i>, IN RESPECT OF 335 SANDHILL ROAD</u></a></p> |
|--|

**COMMITTEE RECOMMENDATIONS**

That Council approve that:

1. pursuant to Section 45 of the *Planning Act*, an application to the Committee of Adjustment be permitted in respect to the property at 335 Sandhill Road for a minor variance associated with the proposed development for Block 10, limited to the interior side yard setback, as per Urban Exception 2630 of By-law 2008-250, as amended; and
2. that there be no further notice pursuant to Subsection 34 (17) of the *Planning Act*.

CARRIED

## TRANSPORTATION COMMITTEE REPORT 12A

- |  |
|--|
| <p>20. <a href="#"><u>BARRHAVEN LIGHT RAIL TRANSIT (BASELINE STATION TO BARRHAVEN TOWN CENTRE) AND RAIL GRADE-SEPARATIONS,</u></a></p> |
|--|

[PLANNING AND ENVIRONMENTAL ASSESSMENT STUDY –  
RECOMMENDATIONS](#)

**COMMITTEE RECOMMENDATIONS, AS AMENDED**

**That Council:**

- 1. Approve the functional design for the Barrhaven Light Rail Transit (Baseline Station to Barrhaven Town Centre) and Rail Grade-Separations Planning and Environmental Assessment (EA) study and interim transit priority measures as described in this report and supporting documents;**
- 2. Direct staff to complete the Transit Project Assessment Process (TPAP) in accordance with the Regulation 231/08 of the *Ontario Environmental Assessment Act*, including the preparation and filing of the Environmental Project Report for final public review and comment; and,**
- 3. Direct staff to remove the 1005--1045 Greenbank Road site earmarked for affordable housing by Council on April 10, 2019 (Report ACS2019-PIE-GEN-001) from the list of affordable housing development sites; and,**
- 4. Direct the Interdepartmental Task Force on Affordable Housing to undertake a comprehensive review of the planned Stage 3 LRT corridors to identify short-term alternative locations for future affordable housing development to replace the 1005-1045 Greenbank Road site that is now recommended for the Barrhaven LRT's Train Storage and Servicing Facility; and,**
- 5. Direct staff to establish a Working Group to examine options on how to assist the residents who are facing a future relocation because of the LRT project and that this working group consist of: General Manager, Planning, Infrastructure and Economic Development, General Manager, Community and Social Services, General Manager, Transportation Services, and/or their respective delegates; Ottawa Community Housing; community representatives from Manor Village and Cheryl Gardens; the ward Councillor; and the Councillor Liaison for Housing and Homelessness; and**
- 6. Direct staff to report back to the Finance and Economic Development Committee by end of 2021 on the Working Group's recommendations including justifications, and policy and financial implications.**

**MOTION**

Moved by Councillor K. Egli

Seconded by Councillor M. Luloff

**WHEREAS the Barrhaven LRT's recommended alignment requires the removal of 120 private rental units on the west side of Woodroffe Avenue between Knoxdale Road and West Hunt Club; and**

**WHEREAS these private rental units are not designated affordable or social housing administered by the City or by non-profit housing providers, but they are considered affordable by the tenants and the need to relocate elsewhere could cause hardship for some who have lived in the community for many years; and**

**WHEREAS on January 29, 2020, Council declared a housing and homelessness state of emergency through MOTION NO 26/14, and that this is an important issue for all levels of government to address; and**

**WHEREAS the Environmental Assessment has identified the displacement of the residents in these 120 private rental units as a risk that needs to be mitigated;**

**WHEREAS Transportation Committee has recommended Council Direct staff to establish a Working Group to examine options on how to assist the residents who are facing a future relocation because of the LRT project; and**

**WHEREAS, the City's goal is to increase the development of affordable housing and contribute to the affordable housing targets in the 10 Year Housing and Homelessness Plans;**

**WHEREAS, a priority of the City is to maximize opportunities for affordable housing development along the LRT /BRT corridors;**

**WHEREAS, the property known as 40 Beechcliffe St. provides an opportunity to advance the work of the Interdepartmental Task Force on Affordable Housing Near Transit Stations which will be reconvened to explore affordable housing development opportunities along Stage 3 of the LRT;**

**THEREFORE BE IT RESOLVED that staff be directed, as part of the Working Group's assessment and recommendations, to craft a Tenant Support and Assistance Strategy to mitigate the social impacts of this displacement; and**

**BE IT FURTHER RESOLVED that staff include the costs of this Tenant Support and Assistance Strategy as eligible costs in the funding application for this LRT Extension project, as it addresses a risk requiring mitigation, as identified in the Environmental Assessment; and**

**THEREFORE BE IT RESOVLED that staff assess the site at 40 Beechcliffe St. for its development potential for affordable housing, as it is in close proximity to the 120 private rental units that will be impacted by the Stage 3 LRT expansion, and report**

**back to Council by the end of 2021 on its suitability and potential development timeline.**

CARRIED

### MOTION

Moved by Councillor M. Fleury  
Seconded by Councillor J. Leiper

**WHEREAS in May 2018, Council directed staff to form an Interdepartmental Working Group to explore opportunities for affordable housing in and around transit stations. The working group, chaired by the General Manager of Planning, Infrastructure and Economic Development (PIED), consists of representatives from PIED as well as Transportation Services, Corporate Services (Real Estate Office) and Community and Social Services (Housing Services). The group worked to identify an inventory of future development opportunities within close proximity of stations on Lines 1 and 2 of the Light Rail Transit network (in its full extent to Stage 2);**

**WHEREAS the subsequent review focused on property owned by the three levels of government and government agencies. In addition, the working group considered privately held sites, adjacent to public lands either where synergies could exist for a potential land assembly, or where the City has a future acquisition agreement;**

**WHEREAS there were 20 sites were identified that have potential for affordable housing development opportunities involving public lands;**

**WHEREAS on April 10, 2019 Council adopted the recommendation of the report Interdepartmental Task Force on Affordable Housing Near Transit Stations (ACS2019-PIE-GEN-0001); and**

**WHEREAS planning work is underway for the Stage 3 LRT and it is important to identify sites early on in the process that would be suitable for Affordable Housing;**

**THEREFORE BE IT RESOLVED that Council direct staff in Transportation Services, Housing Services, and Planning, Infrastructure and Economic Development to re-initiate the Interdepartmental Task Force on Affordable Housing to explore to explore opportunities for affordable housing in close proximity (600m) to Light Rail Transit (LRT) and Bus Rapid Transit (BRT) stations associated with Stage 3 LRT.**

CARRIED

### MOTION

Moved by Councillor C. McKenney  
Seconded by Councillor S. Menard

**WHEREAS the report “Barrhaven Light Rail Transit (Baseline Station to Barrhaven Town Centre) and Rail Grade-Separations, Planning and Environmental Assessment Study – Recommendations” (the Report) details the functional design to**

**extend LRT to Barrhaven as part of Stage 3, to build three bridges over VIA Rail tracks near Fallowfield Station and to implement transit-priority measures;**

**AND WHEREAS the City would need to acquire 6.5 hectares of land from the NCC, the private sector and Hydro One in order to extend the LRT along the proposed route;**

**AND WHEREAS one of the parcels of land that would need to be expropriated is comprised of 120 rental housing units;**

**AND WHEREAS the loss of these homes imposes housing instability for the existing tenants and would further impact the availability of affordable rental housing options for low to moderate income households in this part of the City; and**

**AND WHEREAS the City should be a leader in providing replacement rental housing when new construction results in the direct loss of rental for existing tenants; and**

**AND WHEREAS the legislated compensation for tenants required to relocate due to expropriation is negligible compared to the costs they will incur if market rents are significantly higher than their current rent;**

**THEREFORE BE IT RESOLVED THAT Council establish a Rental Replacement Program for the residents who are facing relocation because of the LRT project and that the Working Group, identified in recommendation 5 of the Report, assist tenants in securing rental housing that is of a similar dwelling type and bedroom count to their existing rental housing; and**

**THEREFORE BE IT FURTHER RESOLVED THAT the City, subject to Council approval in the annual budget, provide a housing allowance to pay the difference between the rent for the expropriated property and the rent for a replacement unit, up to the Average Market Rent for the City of Ottawa as defined by the Canada Mortgage and Housing Corporation, should the replacement unit have a rent that is higher than the rent of the expropriated unit; and**

**THEREFORE BE IT FURTHER RESOLVED THAT Council direct the Working Group to identify a source of funding to support such a Rental Replacement Program set out herein and finalize the details of the Rental Replacement Program such that only tenants who are, as of the date of this motion, tenants of the land to be expropriated and continue to be tenants of the land at time of eviction, qualify for the Program, encourage those who qualify for other housing benefits to apply for such benefits, with any other Program requirement to be brought forward to Finance and Economic Development Committee in accordance with Recommendation 6 of the Report.**

REFERRED by the following motion:

#### **MOTION**

Moved by Councillor T. Tierney

Seconded by Mayor J. Watson

**BE IT RESOLVED THAT the motion moved by Councillor C. McKenney and seconded by Councillor S. Menard be referred to the Working Group established as**

**part of this report.**

CARRIED

The following motion was put to Council and lost:

**MOTION**

Moved by Councillor C. McKenney

Seconded by Councillor R. Brockington

**WHEREAS City Council declared an affordable housing and homelessness crisis and emergency on January 29, 2020 which persists and is growing; and**

**WHEREAS there are 36,000 renter households in Ottawa who spend in excess of 30% of their income on rent and are at risk of losing their housing; and**

**WHEREAS as of December 31, 2019, the number of households on the waiting list for subsidized housing in Ottawa was over 12,500, with an additional 500 new applications processed between the start of the COVID pandemic and the end of June 2020; and**

**WHEREAS there are currently over 1900 people living in shelters in the City and another approximately 200 without shelter; and**

**WHEREAS significant questions remain about the Grade-Separation of Woodroffe Avenue and Southwest Transitway; and**

**WHEREAS options 3 & 4 in Section 1 of 'Corridor Alignment and Design Alternatives' may cost the city approximately the same amount of money as the staff recommended option 6; and**

**WHEREAS the staff recommended option 6 has less predictable costing given the nature of land deals and the potential expropriation process that are associated with this option; and**

**WHEREAS many of the drawbacks of option 3 & 4 vis-a-vis option 6 in the staff report, such as concerns over wheel noise and discomfort from a curving track and the temporary disruption of vehicular traffic on Woodroffe, must be balanced with the significant impact option 6 will have on the lives of over 300 low-income tenants including displacement;**

**THEREFORE BE IT RESOLVED THAT City Council direct staff to report back to the Transportation Committee with an alternate option that includes retaining the housing in Manor Village or Cheryl Gardens.**

LOST on a division of 7 YEAS and 15 NAYS, as follows:

YEAS (7): Councillors D. Deans, R. King, T. Kavanagh, C. McKenney,  
R. Brockington, S. Menard, J. Leiper,

NAYS (15): Councillors L. Dudas, K. Egli, J. Cloutier, S. Moffatt, T. Tierney,

J. Sudds, G. Darouze, M. Luloff, M. Fleury, C. A. Meehan,  
C. Kitts, G. Gower, E. El-Chantiry, A. Hubley, Mayor J. Watson

The Committee recommendations, as amended by the motions above were put to Council.

Committee recommendation 1 CARRIED on a division of 18 YEAS and 4 NAYS, as follows:

YEAS (18): Councillors L. Dudas, K. Egli, J. Cloutier, S. Moffatt, D. Deans, T. Tierney, J. Sudds, G. Darouze, M. Luloff, M. Fleury, C. A. Meehan, C. Kitts, T. Kavanagh, G. Gower, J. Leiper, E. El-Chantiry, A. Hubley, Mayor J. Watson

NAYS (4): Councillors R. King, C. McKenney, R. Brockington, S. Menard

The remaining Committee Recommendations, as amended, CARRIED.

21. [MOTION - PROPOSED CYCLING LANES ON HOLLAND AVENUE \(KENILWORTH AVENUE TO TYNDALL AVENUE\)](#)

### **COMMITTEE RECOMMENDATIONS, AS AMENDED**

**That Council approve:**

1. **that the temporary cycling lanes remain as permanent facilities on Holland Avenue from Kenilworth Avenue to Tyndall Avenue; and**
2. **that the speed limit be posted at 40km/hr to support transit service and thus promote sustainable mobility choices for our residents; and**
3. **that any work that is required to carry out the above directives (such as refreshing of line painting, posting and new speed limit signs) be funded within the existing budget of the Jackie Holzman Bridge project.**

4. **the addition of the following under the Consultation Section of the report:**

#### **Infrastructure Services Comment**

**Following the approval of the report, Infrastructure Services will collaborate with Transportation Services Department on the installation of the permanent cycling lanes and signs on Holland Avenue from Kenilworth Avenue to Tyndall Avenue. The funding will be provided through the existing budget of the Jackie Holzman Bridge project. The**

bridge is now open for use, final landscaping and sign installation is underway.

5. **the addition of an Asset Management Implications section to the report with the following:**

The recommendations documented in this report are consistent with the City's Comprehensive Asset Management (CAM) Program objectives. The implementation of the Comprehensive Asset Management program enables the City to effectively manage existing and new infrastructure to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. This is done in a socially, culturally, environmentally, and economically conscious manner.

CARRIED

TRANSPORTATION COMMITTEE REPORT 13

<p>22. <b><u><a href="#">STO TRANSIT STUDY FOR GATINEAU'S WEST END: INTEGRATION WITH OTTAWA - RECOMMENDATIONS</a></u></b></p>
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**COMMITTEE RECOMMENDATIONS, AS AMENDED**

That Council:

1. **Endorse the all-tram option for the proposed Société de transport de l'Outaouais (STO) tramway in Gatineau;**
2. **Approve the Sparks Street tunnel option as the optimal corridor for the STO tramway in Ottawa, subject to STO securing the project funding for its implementation; and**
3. **Approve the Wellington Street (with traffic) street-level option as an alternative corridor for the STO tramway in Ottawa, should funding for the Sparks Street tunnel not materialize, with the following conditions:**
  - a. **That the STO complete a fulsome assessment of the required cross-sectional elements of the corridor and secure sufficient right-of-way from the federal government to ensure the safety of all users with adequate space for signage and traffic control infrastructure;**



- conversion of Wellington Street to a pedestrian mall in the update to the city of Ottawa TMP currently under review; and a) That the study confirm that if either project is determined to be feasible and approved by City of Ottawa Council, that the cost of any further studies, including, design, construction operations and maintenance and potential upload of Wellington Street to the Federal Government be borne by the Federal Government; and**
8. **Reaffirm to STO the importance of STO investments including seamless connection to the City of Ottawa's LRT investments; and**
  9. **Encourage STO and the Federal government to review and include a Loop option facilitating transit connections between the City of Ottawa and the City of Gatineau's respective downtowns; and**
  10. **Approve that, should the federal government/NCC pursue a detailed study of the interprovincial transit loop vision, that the City of Ottawa (including OC Transpo) participate in that study, along with the City of Gatineau and the STO; and**
  11. **Reiterate its current transit priorities to the Federal government and that any federal funding for the STO tramway does not limit or impact federal funding for the City of Ottawa's transit priorities such as Stage 3 LRT.**

### MOTION

Moved by Councillor J. Sudds  
 Seconded by Councillor G. Gower

**WHEREAS** during its consideration of the *STO Transit Study for Gatineau's West End: Integration with Ottawa – Recommendations* Report, Transportation Committee approved a Motion from Councillor Fleury respecting the potential Interprovincial Transit Loop and potential federal funding for same, while reiterating to the federal government the City's current transit funding priorities; and

**WHEREAS** some of the recommendations arising from this Motion, which are included as Committee Recommendations 7-11 on the Council Agenda, require further refinement to clarify the City's message to the federal government and broaden the scope of the study;

**THEREFORE BE IT RESOLVED** that Recommendations 7-11 in the Transportation Committee Report to Council be replaced with the following revised recommendations:

- A. That City Council reiterate to the federal government that its current transit funding priority remains the funding of Stage 3 LRT to Kanata, Stittsville and Barrhaven, and that any funding for the STO Tram project or the

**Interprovincial Transit Loop does not limit or impact federal funding available to the City of Ottawa under the current per capita funding allocation model; and**

- B. That staff include in the Transportation Master Plan Update a description of the Interprovincial Transit Loop concept to connect the downtowns of Gatineau and Ottawa, and the potential for the Wellington Street to be converted to an enhanced public realm and pedestrian corridor with transit and active transportation facilities; and**
- C. That should it materialize, the Interprovincial Transit Loop and Wellington Street redesign be fully funded by the federal government as the lead proponent and implementer of all aspects of the project (planning studies, designs, construction, operations and maintenance), including the potential upload of Wellington Street to the federal government; and**
- D. That the study also consider alternative technologies to deliver an Interprovincial Transit Loop, such as Autonomous Vehicles or an electric bus solution; and**
- E. That the City of Ottawa and OC Transpo would be part of the Federal review (as this has impacts on land use and transit in Ottawa); and**
- F. City of Ottawa reaffirms the importance of integration of STO investments with City of Ottawa LRT investments.**

CARRIED

Committee recommendation 5 was put to Council and CARRIED on a division of 20 YEAS and 2 NAYS, as follows:

YEAS (22): Councillors L. Dudas, K. Egli, J. Cloutier, S. Moffatt, D. Deans, T. Tierney, J. Sudds, G. Darouze, M. Luloff, R. King, C. A. Meehan, C. Kitts, T. Kavanagh, R. Brockington, G. Gower, S. Menard, J. Leiper, E. El-Chantiry, A. Hubley, Mayor J. Watson

NAYS (0): Councillors M. Fleury and C. McKenney

The remaining Committee recommendations were put to Council and CARRIED as amended by the Sudds / Gower motion above.

<p>23. <a href="#">MOTION – TEMPORARY SEMI-PERMANENT BIKE LANE ON ELGIN STREET</a></p>
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## COMMITTEE RECOMMENDATIONS

**That Council approve:**

1. that a temporary semi-permanent bike lane be constructed on the east side of Elgin Street between Argyle Avenue and Isabella Street and on the west side of Elgin Street between 35 metres north of Catherine Street and Isabella Street;
2. that an evaluation of the Catherine Street and Elgin Street intersection take place in the months following the completion of the bike lane to report on the intersection's safety and effectiveness of the product; and
3. that the cost to install the Qwick Kurb system and to winter maintain the temporary semi-permanent bike lane for the 2020-2021 winter season, in the amount of \$88,000, be funded from the Elgin Street Renewal project (account # 906882).

**REPORT REQUIRING SUSPENSION OF THE RULES OF PROCEDURE****PLANNING, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

- |  |
|--|
| <p>24. <a href="#"><u>BRIEFING ON PROPOSED CHANGES TO THE CONSERVATION AUTHORITIES ACT CONTAINED IN BILL 229, PROTECT, SUPPORT AND RECOVER FROM COVID-19 ACT (BUDGET MEASURES), 2020</u></a></p> |
|--|

**REPORT RECOMMENDATION**

**Staff recommend that Council authorize the Mayor send a letter to the Province of Ontario, prior to the enactment of Bill 229, Schedule 6, *Conservation Authorities Act*, to express concerns with changes proposed to board membership composition and duties (Section 14 of the Act). Staff have included a recommended letter for the Mayor to send to the Province, which summarizes these concerns, as Document 1.**

**MOTION**

Moved by Councillor E. El-Chantiry  
Seconded by Councillor G. Darouze

**WHEREAS** on November 5, 2020 the Provincial Legislature introduced for First Reading Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* (“Bill 229”), an omnibus bill that includes in Schedule 6 proposed amendments to the *Conservation Authorities Act*; and

**WHEREAS** the debate on the motion for second reading of Bill 229 is in progress and the Legislature is expected to enact it soon; and

**WHEREAS** a report from the General Manager of Planning, Infrastructure and Economic Development was issued to Members of Council with the final agenda on Tuesday, November 24, 2020 to brief Members of Council on the relevant changes to the *Conservation Authorities Act* proposed by Bill 229 and to recommend comments that can be sent to the Province prior to the Bill being enacted.

**BE IT RESOLVED** that the *Rules of Procedure* be suspended to receive and consider the report from the General Manager of Planning, Infrastructure and Economic Development entitled “*Briefing on proposed changes to the Conservation Authorities Act contained in Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*”.

CARRIED

The report recommendations were then put to Council and CARRIED.

Item F on the Bulk Consent Agenda was lifted from the Bulk Consent Agenda for consideration as part of the regular Agenda.

<p>F. <a href="#"><u>CITY OF OTTAWA MUNICIPAL ACCESSIBILITY PLAN (COMAP) – FIVE-YEAR PLAN (2020-2024)</u></a></p>
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#### **COMMITTEE RECOMMENDATION**

**That Council approve the 2020-2024 City of Ottawa Municipal Accessibility Plan, as outlined in Document 1 and 2 of this report.**

CARRIED as amended by the following motion:

#### **MOTION**

Moved by Councillor M. Fleury  
Seconded by Councillor M. Luloff

**WHEREAS** the *City of Ottawa Municipal Accessibility Plan (COMAP) – Five-Year Plan 2020-2024 (ACS2020-OCC-GEN-0028)* appears on the Council agenda for November 25, 2020; and

**WHEREAS** staff have hired a consultant to review Winter Maintenance Quality Standards (MQS), however this project does not appear on the list of COMAP initiatives; and

**WHEREAS** winter maintenance removes barriers persons with disabilities, allowing them to safely and independently navigate the City in winter months;

**THEREFORE BE IT RESOLVED** that the MQS Review be added as an initiative to the 2020-2024 City of Ottawa Municipal Accessibility Plan, whereby updates will be provided in the Plan's annual update report.

CARRIED

**IN CAMERA ITEM\***

25. **CITY MANAGER'S 2018-2020 PERFORMANCE APPRAISAL AND RELATED EMPLOYMENT MATTERS**

This item was considered *In Camera* pursuant to the Procedure By-law 2019-8, Subsections 13.(1)(b) personal matters about an identifiable individual, including staff; 13.(1)(d) labour relations or employee negotiations; and, 13.(1)(f) the receiving of advice that is subject to solicitor-client privilege. The specific matters related to the City Manager's 2018-2020 Performance Appraisal will not be reported out as they relate to personal matters about an identifiable individual.

The following motion was approved upon resuming in open session.

**MOTION**

Moved by Mayor J. Watson

Seconded by Councillor L. Dudas

**WHEREAS** at its meeting of February 8, 2016, City Council considered a report entitled, "Results of the Recruitment Process for City Manager"; and

**WHEREAS** further to that report, City Council appointed Steve Kanellakos as the new City Manager of the City of Ottawa and delegated authority to the Mayor, in consultation with the City Clerk and Solicitor, to finalize and execute an employment contract (the "February 8, 2016 Agreement"), based on specific parameters; and

**WHEREAS**, pursuant to the "2014-2018 Council Governance Review Report", Members of Council were recently provided with an opportunity to comment on and provide input to the City Manager's 2018-2020 Performance Appraisal; and

**WHEREAS** the Mayor and the Deputy Mayors reviewed the feedback and comments received from Members of Council through the written evaluation forms on November 9, 2020; and

**WHEREAS the Mayor conducted a performance review meeting with the City Manager to review the results of this evaluation on November 17, 2020; and**

**WHEREAS the results of the City Manager's 2018-2020 Performance Appraisal were provided *In Camera* to City Council by the Mayor during its meeting of November 25, 2020; and**

**WHEREAS the current five-year term for the City Manager is set to expire in approximately five months on April 30, 2021; and**

**WHEREAS the current term of council ends on November 14, 2022; and**

**WHEREAS to provide stability to the organization in these unprecedented times of the global pandemic and in recognition of the City Manager's performance, it is recommended that the employment of the City Manager be extended; and**

**WHEREAS to extend his employment contract into the first six months of the 2022-2026 term of council would provide the next City Council with sufficient time to undertake a recruitment process to hire their own City Manager; and**

**WHEREAS the Council-approved *Statutory Officer Recruitment, Appointment and Contract Administration Procedures* provide that, "Council shall, by public resolution, approve any amendments to the terms and conditions of the City Manager's appointment, including but not limited to contract, job description and salary matters that go beyond terms and conditions previously approved by Council";**

**THEREFORE BE IT RESOLVED that Council delegate authority to the Mayor, in consultation with the City Solicitor, to amend the City Manager's contract based on the following parameters:**

- 1. The City Manager's employment will continue until May 15, 2023, unless earlier terminated in accordance with the provisions of the February 8, 2016 Agreement; and**
- 2. All of the remaining terms and conditions of the February 8, 2016 Agreement, including annual salary and benefits, shall remain in full force and effect.**

CARRIED

## **BULK CONSENT AGENDA**

COMMUNITY AND PROTECTIVE SERVICES COMMITTEE  
REPORT 15

<p>A. <a href="#">ARTS, CULTURE AND RECREATION ADVISORY COMMITTEE - PROPOSED 2020-2022 WORKPLAN</a></p>
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**COMMITTEE RECOMMENDATION**

**That Council approve the 2020-2022 Arts, Culture and Recreation Advisory Committee Workplan, as detailed in Document 1.**

CARRIED

B. <a href="#"><u>COMMUNITY PARTNERSHIP CAPITAL PROGRAMS ANNUAL REPORT</u></a>
--

**COMMITTEE RECOMMENDATIONS**

**That Council:**

- 1. Receive the listing of projects funded under delegated authority through the Community Partnership Minor Capital program in 2019, as detailed in Document 1.**
- 2. Receive the list of 2020 Community Partnership Major Capital proposals received by the March 1st deadline in 2020, as detailed in Document 2.**
- 3. Receive the status update of prior years' Community Partnership Major Capital projects previously approved in principle, as detailed in Document 3.**

CARRIED

STANDING COMMITTEE ON ENVIRONMENTAL PROTECTION,  
WATER AND WASTE MANAGEMENT REPORT 12

C. <a href="#"><u>FINANCIAL STATEMENTS FOR IN-HOUSE SOLID WASTE COLLECTION – EXTERNAL AUDIT RESULTS 2020</u></a>
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**COMMITTEE RECOMMENDATION**

**That Council receive this report for information.**

RECEIVED

FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE  
REPORT 18

- D. [OTTAWA COMMUNITY HOUSING CORPORATION'S PROPERTY TAX EXEMPTION UPDATE AND CANADA MORTGAGE AND HOUSING CORPORATION CO-INVESTMENT APPLICATION FOR CAPITAL REPAIR FUNDING](#)

## COMMITTEE RECOMMENDATIONS

That Council approves the following:

1. **As it relates to Ottawa Community Housing Corporation's property tax exemption:**
  - a. **the updated list of designated properties owned by Ottawa Community Housing Corporation which qualify as affordable housing stock and therefore as municipal capital housing facilities as permitted under Section 110 of the *Municipal Act, 2001* and as defined in section 2(1)18. of Ontario Regulation 603/06, as amended, to reflect disposals and acquisitions (set out in Document 1) since the last update approved by Council on September 13, 2017 (By-law No. 2017-297);**
  - b. **the enactment of the By-law (Document 2) to amend By-law No. 2014-431, as amended by By-law No. 2015-119 and By-law No. 2017-297, to include the acquisitions and remove the disposals;**
  - c. **the delegation of authority to the Chief Financial Officer to conclude and execute the necessary Municipal Housing Facilities Amending Agreement as described in this report and set out in Document 3 to include qualifying properties that have been acquired and disposed by OCHC since the last update;**
  - d. **the delegation of authority to the Chief Financial Officer to amend the Municipal Housing facilities Agreement and submit the necessary by-law amendments for enactment per the usual administrative by-law process without the need for a report when OCHC acquires or disposes of affordable housing.**
2. **As it relates to Ottawa Community Housing Corporation's application for capital repair funding from the Canada Mortgage and Housing Corporation Co-Investment Fund:**

- a. **provide authority for OCHC to submit a CMHC Co-Investment Loan application under the housing repair and renewal stream, on or by December 31, 2020, up to a maximum of \$166 million over the 2020-2028 fiscal period;**
  - b. **require OCHC to redirect the savings from the education portion of the property taxes, generated through the property tax exemption recommended by this report, towards capital repairs to its affordable housing stock and/or to meet CMHC Co-Investment Loan capital contribution requirements and service the CMHC Co-Investment Loan debt related to capital repairs funding;**
  - c. **provide authority for OCHC to meet CMHC Co-Investment Loan capital contribution requirements and service the portion of the CMHC Co-Investment Loan not covered by (i) OCHC's required contribution, (ii) Infrastructure Ontario Refinancing Proceeds, and (iii) the property tax savings, with the annual benchmarked capital reserve funding they receive from the City each year and otherwise apply these benchmarked capital reserve funds to the capital repair reserve as is the current Operating Agreement requirement;**
3. **Direct OCHC to report on the use of the savings from the education portion of the property taxes and the benchmarked capital reserve funding as part of their annual information return to the City's Housing Services, in its capacity as the Service Manager; and**
  4. **Provide authority for OCHC to allocate, on an exceptional basis, the 2020 education portion of the property tax savings towards their 2020 operating deficit, and the 2021 education portion of the property tax savings towards their 2021 operating deficit if any, as opposed to servicing the CMHC Co-Investment Loan.**

CARRIED

<p>E. <a href="#">CITY OF OTTAWA MUNICIPAL ACCESSIBILITY PLAN – ANNUAL UPDATE (2020)</a></p>
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## COMMITTEE RECOMMENDATIONS

**That Council:**

1. **Receive the 2020 City of Ottawa Municipal Accessibility Plan Update Report;**
2. **Receive the 2019 City of Ottawa AODA Compliance Report for information, as outlined in Document 1 of this report.**

CARRIED

G. <a href="#"><u>APPOINTMENTS TO THE BANK STREET BUSINESS IMPROVEMENT AREA</u></a>
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**COMMITTEE RECOMMENDATION**

**That Council approve the appointments of Adam Wilson, Jessie Duffy and Vinayak Ethiraju to the Bank Street Business Improvement Area Board of Management for the 2018-2022 Term of Council or until a successor is appointed during the next term of Council.**

CARRIED

H. <a href="#"><u>2019 BUSINESS IMPROVEMENT AREA AND SPARKS STREET MALL AUTHORITY - ANNUAL REPORTS AND AUDITED FINANCIAL STATEMENTS</u></a>
---

**COMMITTEE RECOMMENDATION**

**That Council receive the 2019 Business Improvement Area Annual Reports and Audited Financial Statements.**

RECEIVED

PLANNING COMMITTEE REPORT 32

I. <a href="#"><u>PROPOSED RESIDENTIAL MURAL ONE-YEAR PILOT PROGRAM</u></a>
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**COMMITTEE RECOMMENDATIONS**

**That Council:**

1. **approve a one-year pilot for the Residential Mural Program, including the Residential Mural By-law and corresponding fee schedule, attached as Document 1 and as described in this report, to commence on the effective date of the by-law;**
2. **delegate authority to the City Solicitor, Chief Building Official and Director of By-law and Regulatory Services to make any minor amendments to and finalize the Residential Mural By-law, and to amend the Permanent Signs on Private Property By-law accordingly, to reflect the intent of Council; and**
3. **direct staff to report back no sooner than 12 months following the implementation of the program and by-law with the results of the pilot and recommendations.**

CARRIED

J. <a href="#">ZONING BY-LAW AMENDMENT – 3288 GREENBANK ROAD</a>
--

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 3288 Greenbank Road to rezone the lands from Development Reserve (DR) to Mixed Use Centre (MC[xxx1], MC[xxx2], MC[xxx3]), Minor Institutional / Mixed Use Centre (I1A/MC[xxx1]), and Parks and Open Space (O1), to facilitate the development of 850 residential units within a draft approved subdivision and an associated public park, as shown in Document 2 and detailed in Document 3.**

CARRIED

## TRANSPORTATION COMMITTEE REPORT 12A

K. <a href="#">MOTION - 40KM GATEWAY SPEED LIMIT BRITANNIA ROAD AREA</a>
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**COMMITTEE RECOMMENDATION**

**That Council approve creating a gateway speed limit of 40km/h for the residential area east of Greenview Ave, north of Carling Ave and Richmond Rd and west of the Sir John A MacDonald Pkwy, with the cost of implementation of this designation to be funded through the Ward 7 Temporary Traffic Calming budget.**

CARRIED

## **MOTIONS OF WHICH NOTICE HAS BEEN PREVIOUSLY GIVEN**

### **MOTION**

Moved by Councillor M. Fleury  
Seconded by Councillor K. Egli

**WHEREAS on January 29, 2020, City Council unanimously endorsed a resolution that declared, "an Affordable Housing and Homelessness Crisis and Emergency"; and**

**WHEREAS on July 21, 2020, Royal Assent was given to Bill 184, being the *Protecting Tenants and Strengthening Community Housing Act, 2020*, which the Provincial Government stated would seek to end "renovictions", those evictions that occur when a landlord undertakes renovations to a rental property and then replaces the evicted tenants with those who would pay higher rents after the renovations are completed; and**

**WHEREAS on October 28, 2020 Council directed Mayor Watson to write to Ontario Premier Doug Ford and the Minister of Municipal Affairs and Housing seeking measures to ensure that no tenant in Ottawa would be evicted for households who cannot pay their rent, because of loss of income resulting from the COVID-19 crisis and, failing adoption of those measures, that provincial government restrict residential rental evictions due to tenants' inability to pay their rent due to COVID-19 related income losses;**

**THEREFORE BE IT RESOLVED THAT staff prepare a report for consideration by Committee and Council that would outline all the municipal tools available to the City of Ottawa to prevent or prohibit such "renovictions" in the City of Ottawa, including a review of any by-laws, policies or programs that may be used by other municipalities in an effort to prevent the further loss of affordable rental units.**

CARRIED

### **MOTION**

Moved by Councillor. McKenney  
Seconded by Councillor Leiper

**WHEREAS the buildings at 247, 249, 261, 263, 267 Rochester Street and 27 Balsam Street are in an advanced state of disrepair; and**

**WHEREAS there are neighbourhood concerns related to public safety and criminal activity in the buildings on the subject property; and**

**WHEREAS given the dilapidated condition of the buildings, the community has public safety concerns that make it in the public interest to demolish the buildings; and;**

**WHEREAS there is currently no building permit application for any replacement building; and**

**WHEREAS the public safety concerns expressed by this community are common to other buildings in the area of the City where demolition control is applicable;**

**WHEREAS there are concerns with respect to environmental contamination of the property;**

**THEREFORE BE IT RESOLVED that Council approve demolition control for the existing building on the property at 247, 249, 261, 263, 267 Rochester Street and 27 Balsam Street subject to the following conditions;**

- 1. The registered Owner shall enter into an Agreement with the City of Ottawa to include the conditions specified in condition 2, below, and pay all costs associated with the registration of said Agreement. At such time as a building permit is issued to redevelop the site and the replacement building is in place, the Agreement will become null and void and will be released upon request of the Owner. The Owner shall pay all costs associated with the release of the agreement;**
  
- 2. The said Agreement shall include the following provisions:**
  - a. The Owner agrees that to the discretion of the General Manager, Planning, Infrastructure and Economic Development Department (“General Manager, PIED”), a replacement building must be substantially completed within seven years from the date of this approval and in default thereof, the City Clerk shall enter on the collector’s roll the sum of \$5,960.00 for each of the five residential dwelling units to be demolished.**
  - b. The Owner agrees that demolition shall be limited to above ground structures and that underground structures are to remain in place.**
  - c. Following the removal of buildings, and prior to construction of a replacement building, the remaining at-grade surface must be completed with a hard surface to minimize rainwater infiltration.**
  - d. Prior to any demolition activities a designated substance survey shall be completed for all structures to be demolished. If any hazardous materials are identified they must be removed in accordance with provincial regulations prior to the commencement of any demolition activities. The**

**City is to be provided with a hazardous material abatement report prior to commencing demolition.**

- e. **Until the time of the construction of the first replacement building, the registered Owner shall landscape the property to the satisfaction of the General Manager, PIED. The registered Owner shall prohibit the use of the property for other interim uses and maintain the property in accordance with the Property Standards By-law.**
  - f. **The use of water as a dust suppressant during demolition is to be avoided. Any water used on site during demolition must be captured and contained for off-site disposal.**
  - g. **The Owner shall pay one hundred percent securities to the City for the value of landscaping the property, with the securities to be released once these works are completed.**
- 3. The Owner agrees that a demolition permit will not be issued and the building cannot be demolished until such time that the agreement referenced herein has been executed and registered on title;**
- 4. This approval is considered null and void if the Agreement is not executed within six months of Council's approval.**

CARRIED

#### MOTION

Moved by Councillor J. Leiper  
Seconded by Councillor C. McKenney

**WHEREAS on April 8, 2020, the Provincial Government made regulation 131/20 under the *Municipal Act, 2001* stating that for 18 months 1. For the purposes of section 451.1 of the Act, a municipality does not have power to prohibit and regulate with respect to noise made in connection with the following:**

- 1. **Construction projects and services in a municipality associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space, at any time of the day or night.**
- 2. **Any other construction activity in a municipality between the hours of 6 a.m. and 10 pm; and**

**WHEREAS Ottawa's Noise By-Law 2017-255 prohibits for construction sites or heavy equipment to operate in any structure, highway or building:**

- **Monday-Saturday: Between 10 pm and 7 am**
- **Sundays and holidays: Between 10 pm and 9 am; and**

**WHEREAS the same By-law Further limits are placed on the demolition and construction of buildings in established residential neighbourhoods and infill construction is not permitted:**

- **Weekdays: Between 8 pm and 7 am**
- **Weekends and holidays: Between 7 pm and 9 am; and**

**WHEREAS 295 complaints have been received by the City concerning construction projects that have begun before 7 am on weekdays and 9 am on weekends and holidays; and,**

**WHEREAS the mental and other health impacts of construction beginning at 6 am, seven days a week is being keenly felt by residents across Ottawa; and,**

**WHEREAS the issue of municipal control of by-laws is expected to be put before the Ontario Legislature in the coming weeks, asking the Government to restore to municipalities control of their noise by-laws;**

**THEREFORE BE IT RESOLVED that Council direct the Mayor to write to Premier Ford and Municipal Affairs and Housing Minister Steven Clark requesting that control of construction hours noise revert to the control of municipalities to help address the impacts from early morning construction on urban infill residential projects, as well as excavation and concrete pouring activities.**

CARRIED

## **MOTIONS REQUIRING SUSPENSION OF THE RULES OF PROCEDURE**

### **MOTION**

Moved by Mayor J. Watson  
Seconded by Councillor J. Sudds

***That the Rules of Procedure be suspended to consider the following motion in order to allow staff to meet the November 27, 2020 deadline to secure the federal Rapid Housing Initiative funding.***

**WHEREAS on July 15, 2020, Council approved a 10 Year Housing and Homelessness Plan with targets to create between 5700 to 8500 new affordable housing options over the next ten years; and**

**WHEREAS the City cannot fund new affordable housing that will meet the need without support from other levels of government, and the Mayor, Chair of Community and Protective Services Committee and the Council Liaison for Housing and Homelessness have been communicating the priorities and urgent needs of the City for rapid housing funding from other levels of Government; and**

**WHEREAS, in response to the urgent need for affordable housing across the country, the federal government announced the Rapid Housing Initiative on September 21, 2020, with the stated intent to create new affordable rental housing units for vulnerable and marginalized individuals within the next 12 months, with the funding to be delivered through the Canada Mortgage and Housing Corporation, such that the Rapid Housing Initiative will cover the construction of modular housing, the acquisition of land and the conversion of existing buildings into affordable housing, as long as that housing is completed within the 12-month time frame; and**

**WHEREAS the Rapid Housing Initiative is comprised of two streams:**

- a. Major Cities Stream: which will flow directly to municipalities to ensure funds are directed to areas where chronic homelessness is most prevalent; and**
- b. Projects Stream: which will prioritize applications received from Provinces, Territories, municipalities, Indigenous governing bodies and organizations, and non-profits based on the overall strength of the application; and**

**WHEREAS on October 23, 2020, the Government of Canada announced the Major Cities Stream allocations, which includes \$31,929,038 for the City of Ottawa, subject to meeting the program criteria and timelines and conditional on the City creating a minimum of 83 units of new permanent affordable housing and prioritizing 30% of units targeting women and 15% of units for urban Indigenous peoples; and**

**WHEREAS, staff is required to develop and submit the Investment Plan by no later than November 27, 2020, and the submitted plan must outline the capital projects that will be acquired/built/converted within the next 12 months, as well as the Rapid Housing Initiative funds to be allocated to each project, staff is requesting approval of recommendations that will allow the achievement of that goal and those new units; and**

**WHEREAS, to supplement the funding from the Major Cities Stream, the City of Ottawa also recommends requesting funding through the competitive Projects Stream, such that any potential Projects Stream allocation will also be considered as part of the investment plan submitted by November 27, 2020 and scored based on level of need, duration of affordability, expediency of delivery, availability of operational funding and additional capital contributions, and prioritization of certain vulnerable groups; and**

**WHEREAS, to submit a competitive application for the Projects Stream and to help support the City's 10-Year Housing and Homeless Plan, which includes the creation of affordable and supportive housing, staff is further recommending Council approve the allocation of funding from the following available affordable housing capital sources to strengthen the investment plan, maximize the Rapid Housing Initiative opportunities and create affordable housing in the community (referred to**

as the “Supplemental Funding Sources” in the resolutions of this motion) as follows:

- a. The Provincial allocation of \$4M under the Social Services Relief Fund Phase 2, which must be committed by January 31, 2021 (“SSRF”);
- b. The annual Ontario Priorities Housing Initiative funding allocation of \$4.6M, which must be committed by December 31, 2021 (“OPHI”);
- c. The \$3M Council had earmarked from the 2020 Budget for the purpose of acquiring a hotel or motel for affordable housing. As per the Information Previously Distributed at Finance and Economic Development Committee on September 1, 2020 no motel or hotel was identified for acquisition through the RFP process and staff was to report back to Council on alternate solutions (“2020 Budget”);
- d. A potential 2021 Municipal Budget allocation in the event capital funding for affordable housing is approved as tabled in the draft estimates of the City’s budget for 2021 (“2021 Budget”); and

**WHEREAS** the Rapid Housing Initiative is a capital-only program, and ongoing provincial government operating funding (housing benefits and support services funding) will be required to create supportive housing opportunities that will help address chronic homelessness which is a key priority for all governments, staff are also recommending Council's approval of the operating funding recommendations described in this motion, as supportive housing is critical to addressing the housing and health needs of residents, particularly those who are vulnerable and marginalized, and helping them to exit homelessness and improve their quality of life; and

**WHEREAS** these recommendations have been developed with the support of the Chief Finance Officer and City Treasurer and the City Solicitor; and

**WHEREAS** the timelines established by the federal government to meet the program requirements are extremely aggressive, and staff are recommending the delegated authority necessary to achieve the required fast-tracking that must be in place to create the affordable units within the 12-month period, and staff will provide an Information Report back to the Planning Committee and City Council in February 2021 with a progress update on the new affordable rental units to be completed using both the Rapid Housing Initiative Funding and the Supplemental Sources Funding, if the staff recommendations are approved;

**THEREFORE BE IT RESOLVED** that City Council:

1. Delegate the authority to the Director, Housing Services, to enter into a Rapid Housing Initiative Agreement and/or related agreement(s) and amendments with the Canada Mortgage and Housing Corporation, the Government of Canada or any other federal entity necessary for the receipt and expenditure of funding under the Rapid Housing Initiative on such terms and conditions

**as are satisfactory to the Director, Housing Services, in consultation with the Corporate Real Estate Office and Legal Services;**

- 2. Direct the General Manager, Community and Social Services and the Director, Housing Services, in consultation with the Director, Corporate Real Estate Office, to develop an Investment Plan (the "Investment Plan"), outlining units that can be available for occupancy within twelve (12) months, in accordance with the terms and conditions of the Rapid Housing Initiative Agreement and any related program guidelines, and authorize its submission, and any subsequent updates, to the Canada Mortgage and Housing Corporation by November 27, 2020;**
- 3. Approve the receipt of the Rapid Housing Initiative program funds, in accordance with the terms and conditions of the Rapid Housing Initiative Agreement and any related agreements, directives or program guidelines;**
- 4. Approve the allocation of \$31,929,038 (net \$0) from the Rapid Housing Initiative and the Supplemental Funding Sources by the General Manager, Community and Social Services and the Director, Housing Services to support the acquisition by the City of selected housing providers of real estate interests suitable for the Rapid Housing Initiative, the purchase of modular housing, related pre-development and pre-construction costs (e.g. community engagement, planning, communications, environmental site assessments, cost consultant reports, permits, architectural or engineering reports, appraisals, legal/closing costs related to acquisition of land and buildings) and all other costs permitted under the Rapid Housing Initiative and the various programs included in the Supplemental Funding Sources to secure, develop and create affordable housing, in each instance on terms satisfactory to the General Manager, Community and Social Services and the Director, Housing Services, individually, and the Director, Corporate Real Estate Office;**
- 5. Approve an increase to the 2020 Capital Budget for Housing Services of \$31,929,038 (net \$0) funded from the Rapid Housing Initiative to enable staff to begin project commitments, with the final cash flow adjustments between 2020 and 2021 to be requested through the third-quarter variance report following completion of the Investment Plan;**
- 6. Delegate the authority to enter into agreements or other suitable arrangements with City departments, agencies, the Government of Ontario and/or its agencies, community agencies, private entities and/or individuals to allocate and deliver the Rapid Housing Initiative funding and Supplemental**

**Funding Sources to the General Manager, Community and Social Services and the Director, Housing Services, in accordance with program guidelines and requirements;**

- 7. Allocate funding from the Rapid Housing Initiative or the Supplemental Funding Sources towards the non-exempt development charges, planning and permit fees and school board development charges for the projects to be developed as a result of this motion and direct staff to bring forward a Municipal Housing Capital Facility By-law to exempt property taxes for the supportive housing projects only.**
- 8. Delegate the authority to approve the acquisition by the City of real estate interests suitable for the Rapid Housing Initiative and/or Supplemental Funding Sources, and to approve related pre-development and pre-construction costs (e.g. environmental site assessments, cost consultant reports, permits, architectural or engineering reports, appraisals, legal/closing costs related to acquisition of land and buildings), to the General Manager, Planning, Infrastructure and Economic Development, in consultation with the General Manager, Community and Social Services and the Director, Housing Services, in each instance on terms satisfactory to the General Manager, Planning, Infrastructure and Economic Development, in consultation with the General Manager, Community and Social Services and the Director, Housing Services and in a form satisfactory to Legal Services, and provided that all related expenditures are to be funded through the Rapid Housing Initiative Agreement and/or the Supplemental Funding Sources.**
- 9. Delegate the authority to execute the agreements relating to the acquisitions referenced in Part 8 above, and any ancillary agreements and documents on behalf of the City of Ottawa, to the General Manager, Planning, Infrastructure and Economic Development and the Director, Corporate Real Estate Office;**
- 10. Direct the General Manager, Community and Social Services and the Director, Housing Services, in consultation with the Director, Corporate Real Estate Office, to inform local Councillors in advance of any commitment to purchase or develop properties using the Rapid Housing Initiative Funding and Supplemental Funding Sources in advance of any address being publicly released and to work with local Councillors on communication and community engagement.**
- 11. Delegate the authority to administer and manage all transactions to the Director, Corporate Real Estate Office, in consultation with the General Manager, Community and Social Services and the Director, Housing Services, including the provision of any consents, approvals, waivers, and notices, provided that they may, at any time, refer consideration of any such matters**

(including their content) to City Council for consideration and direction.

12. Delegate the authority to negotiate and enter into any necessary non-competitive agreements, for which Council approval would normally be required under the Delegation of Authority By-law 2019-280, for the provision of professional services needed to complete the acquisition of suitable real estate interests and to carry out any necessary pre-development and pre-construction matters for the development of affordable housing under the Rapid Housing Initiative, to the Director, Corporate Real Estate Office and/or the General Manager, Community and Social Services and the Director, Housing Services, provided that:
  - a. non-competitive procurement is necessary to meet the timelines of the Rapid Housing Initiative;
  - b. the costs are eligible for and will be funded through the Rapid Housing Initiative and/or the Supplemental Funding Sources; and
  - c. the terms and conditions of any such agreements are acceptable to the Director, Corporate Real Estate Office and in a form satisfactory to Legal Services.
13. Direct the General Manager, Community and Social Services and the Director, Housing Services, in consultation with the Director, Corporate Real Estate Office, to bring forward an Information Report to the Planning Committee in February 2021 on the projects acquired and/or being funded through the Rapid Housing Initiative and the Supplemental Funding Sources, the allocation to priority groups and the impact on addressing chronic homelessness in the City;
14. Direct City staff to prioritize and expedite the review of any real estate transactions and development applications identified as part of the Rapid Housing Initiative, including sites suitable for the construction of modular housing, land acquisitions, and the conversion of existing buildings to affordable housing, and identify ways to expedite the necessary building and planning approvals;
15. Delegate the authority to act as the City's agent and to submit applications required to obtain required planning approvals for sites identified under the Rapid Housing Initiative to the Director, Corporate Real Estate Office;
16. Delegate the authority to the Director, Housing Services to compensate the Corporate Real Estate Office on a direct cost-recovery basis for the provision of the following goods and services to be performed by CREO and its

**contractors, for eligible expenses related to:**

- a. preparing the identified sites for construction, including undertaking necessary environmental studies and remediation, community consultations, planning and other consultant studies to support expedited delivery of the identified sites for modular supportive housing and creation of new housing through acquisition and conversion/restoration; and**
- b. entering into and administering the contract or any other agreements required to be entered into with the manufacturer of modular units for the manufacture and installation of the modular units and/or with appropriate entities to undertake conversion/restoration of properties acquired through the Rapid Housing Initiative;**

- 17. Suspend the Corporate Real Estate Acquisition Policy for initiatives and acquisitions considered under the Rapid Housing Initiative in order for staff to meet federal deadlines under the program;**
- 18. Delegate the authority to select non-profit housing providers and the amount of the funding allocation, based on the project, their capacity, experience and interest to own and operate the affordable and supportive housing units to be developed under the Rapid Housing Initiative and various programs captured in the Supplemental Funding Sources to the General Manager, Community and Social Services and the Director, Housing Services;**
- 19. Delegate the authority to negotiate and execute on behalf of the City, contribution agreements to allocate the Rapid Housing Initiative and Supplemental Funding Sources for a minimum of 20 years with the non-profit housing providers selected through the process referred to in Part 18 above, or a related corporation, to secure the financial assistance being provided and to set out the terms of the funding, including the ability for the housing provider, subject to their own corporate restrictions, to sole source a modular housing builder based on value and their ability to design and deliver a quality product in the required timeframe, and the operation of the new affordable rental housing, to the General Manager, Community and Social Services and the Director, Housing Services, on terms and conditions satisfactory to the General Manager, Community and Social Services and the Director, Housing Services, and in a form approved by Legal Services.**
- 20. Delegate the authority to negotiate and enter into any agreements with the non-profit housing providers selected, for any operating funding that may be available to the General Manager, Community and Social Services and the Director, Housing Services, on terms and conditions agreed to by the General**

**Manager, Community and Social Services and the Director, Housing Services and in a form approved by Legal Services;**

- 21. Delegate the authority to execute, on behalf of the City, any security or financing documents required by the non-profit housing providers, including any postponement, confirmation of status, discharge or consent documents where and when required during the term of the contribution agreement, as required by normal business practices, to the General Manager, Community and Social Services and the Director, Housing Services, provided that such documents do not give rise to financial obligations on the part of the City that have not been previously approved by City Council.**
  
- 22. Request that the Province of Ontario provide ongoing operating funding for case management, physical health and addiction and mental health supports, including funding for housing benefits, to ensure the units created under the Rapid Housing Initiative results in new supportive housing opportunities for at risk and marginalized individuals, including people experiencing homelessness.**

CARRIED

#### **MOTION**

Moved by Councillor E. El-Chantiry  
Seconded by Councillor G. Gower

***BE IT RESOLVED that Council suspend the Rules of Procedure to permit the introduction of the following motion, in order to respond in a timely manner to support the local economy as a result of restrictions imposed to address the COVID-19 pandemic:***

**WHEREAS the COVID-19 pandemic continues to evolve and is causing significant economic effects across the world and locally in Ottawa; and**

**WHEREAS on March 17, 2020, an emergency related to the COVID-19 outbreak was declared in the whole of the Province of Ontario, pursuant to Section 7.0.1 of the Emergency Management and Civil Protection Act, as set out in Order in Council 518/2020; and**

**WHEREAS as part of the emergency declaration, restaurants and retail stores have been significantly limited in their operations, which has resulted in substantial local economic impacts; and**

**WHEREAS due to the ongoing COVID-19 situation and the anticipated capacity restrictions from the Province of Ontario and associated recommendations from Ottawa Public Health that physical distancing be practiced in order to decrease transmission, which will limit the capacities for restaurants and their outdoor patios into 2021; and**

**WHEREAS** local businesses and the Economic Partners Task Force have advocated for less regulation to help small businesses as part of the recovery efforts; and

**WHEREAS** the City of Ottawa can continue to support the local economy by extending the Temporary Zoning By-law amendment for outdoor commercial patios and pop-up retail stores (By-law 2020-223)

**THEREFORE, BE IT RESOLVED THAT** Council approve the enactment of an amendment to Temporary Zoning By-law amendment 2020-223 for outdoor commercial patios and pop up retail stores to extend the duration of the temporary zoning to January 1, 2022.

CARRIED

### MOTION

Moved by Councillor G. Gower  
Seconded by Mayor J. Watson

***WHEREAS the Planning Act permits a municipality to extend the period in respect of a zoning by-law appeal before the municipal appeal record must be sent to the Local Planning Appeal Tribunal if such is done within 15 days after the expiration of the appeal period; and***

***WHEREAS appeals have been received to By-laws 2020-288 and 2020-289 and the time frame for extending the period to send the record to LPAT expires on November 25, 2020;***

***Therefore Be It Resolved that the Rules of Procedure be waived to permit the introduction of the following motion:***

**WHEREAS** Ottawa City Council adopted Zoning By-laws 2020-288 and 2020-289 respecting infill provisions on October 14, 2020; and

**WHEREAS** these by-laws have been appealed to the Local Planning Appeal Tribunal by the Greater Ottawa Home Builders Association("GOHBA"); and

**WHEREAS** the GOHBA has indicated a willingness to have discussions to resolve these appeals; and

**WHEREAS** the Planning Act, subsection 34(20.1) permits a Council to utilize dispute resolution to seek to resolve a dispute and thereby extend from 15 days to 75 days the time period to provide the municipal appeal record to the Local Planning Appeal Tribunal;

**THEREFORE BE IT RESOLVED THAT COUNCIL:**

- 1. Determines to utilize dispute resolution in respect of the appeals to By-laws 2020-288 and 2020-289; and**
- 2. Directs the City Solicitor to give notices of this intent to the Greater Ottawa Home Builders Association to invite the Greater Ottawa Home Builders Association to participate in such dispute resolution.**

CARRIED

**NOTICES OF MOTION (FOR CONSIDERATION AT SUBSEQUENT MEETING)**

**MOTION**

Moved by Councillor C. McKenney

Seconded by Councillor R. Brockington

**WHEREAS Ottawa has one of the most expensive transit passes in Canada; and**

**WHEREAS Ottawa has one of the most expensive single-ride fares in Canada; and**

**WHEREAS the average processing time for an EquiPass is six weeks; and**

**WHEREAS the requirement to provide proof of annual income is a barrier to applying to the EquiPass; and**

**WHEREAS Canadian municipalities have moved from a single-price low income pass to a sliding scale fare;**

**THEREFORE BE IT RESOLVED that staff examine options for sliding scale fares and passes; and**

**BE IT FURTHER RESOLVED that staff examine options for eliminating the means test when applying for any low income or special pass; and**

**BE IT FURTHER RESOLVED that staff report to Transit Commission by Q2 2021 on their findings including how other cities are managing these issues.**

**NOTICE OF INTENT**

Notice of Intent from the Integrity Commissioner to submit the 2020 Annual Report to Council as part of the 2018-2022 Mid-term Governance Report at the City Council meeting of December 9, 2020.

**BY-LAWS**

**THREE READINGS**

2020-323. A by-law of the City of Ottawa to amend By-law No. 2017-180 respecting the appointment of Municipal Law Enforcement Officers in accordance with private property parking enforcement.

2020-324. A by-law of the City of Ottawa to amend By-law No. 2003-499 respecting fire routes.

2020-325. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 2070 Scott Street and 328 Winona Avenue.

- 2020-326. A by-law of the City of Ottawa to amend the Official Plan for the City of Ottawa to add a site-specific policy for the lands municipally known as 100 Bayshore Drive
- 2020-327. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of part of the lands known municipally as 100 Bayshore Drive.
- 2020-328. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 433, 435 Churchill Avenue North and 468, 472 Byron Place.
- 2020-329. A by-law of the City of Ottawa to amend By-law No. 2008-250 to remove the holding symbol from the lands known municipally as 99 Parkdale Avenue.
- 2020-330. A by-law of the City of Ottawa to amend By-law No. 2008-250 to remove the holding symbol from the lands known municipally as 2425 Bank Street.
- 2020-331. A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of the lands known municipally as 3288 Greenbank Road
- 2020-332. A by-law of the City of Ottawa to amend By-law No. 2020-186 respecting expiry of the Temporary Mandatory Mask By-law
- 2020-333. A by-law of the City of Ottawa to amend By-law No. 2008-250 to remove the holding symbol from the lands known municipally as 1385 Wellington Street
- 2020-334. A By-law of the City of Ottawa to provide for amendments to the existing Regimbald Municipal Drain in Lots 23 and 24, Concession IX, Lots 22 and 23, Concession X and Lot 22, Concession XI, Cumberland Ward, former Township of Cumberland in the City of Ottawa and to repeal By-law No. 1417.
- 2020-335. A by-law of the City of Ottawa to establish certain lands as common and public highway and assume them for public use (chemin Abb Road).
- 2020-336. A by-law of the City of Ottawa to close part of Bridgeport Avenue on Registered Plan 4M-1494.
- 2020-337. A by-law of the City of Ottawa to designate certain lands at place Keinouche Place, ruelle de Saintonge Lane, avenue de la Famille-Laporte Avenue, rue Antonio Farley Street and terrasse Kanashtàge Terrace on Plan 4M-1664, as being exempt from Part Lot Control.
- 2020-338. A by-law of the City of Ottawa to amend By-law No. 2020-223, entitled, "A by-law of the City of Ottawa to amend By-law No. 2008-250 to temporarily allow a relaxation of regulations relating to outdoor commercial patios and pop-up retail stores." to extend the duration of the temporary zoning to January 1, 2022.
- 2020-339. A by-law of the City of Ottawa to amend the fees in By-law No. 2015-96 respecting the fees for planning applications.
- 2020-340. A by-law of the City of Ottawa respecting the protection of municipal

trees and municipal natural areas in the City of Ottawa and trees on private property in the urban area of the City of Ottawa, and to repeal By-laws 2009-200 and 2006-279.

## INQUIRIES

Councillor R. King

1. *Through what mechanisms are requests for use of resources or assistance from the Ottawa Police Service considered by the City?*
2. *At what level is the decision to assist or not assist the Ottawa Police Services delegated at?*
3. *What kind of consultation within the City is done in assessing this request?*
4. *In the early morning of Saturday 21st November 2020, reports from the clearing of the protest at Nicholas and Laurier Avenue indicated that City resources were used. While the presence of the paramedics seems to be fairly standard practice, the reports of the use of an OC transpo vehicle and City trucks does not. Can the City Manager please outline a timeline of events for the decision made to use the trucks on Saturday morning?*
5. *In the aftermath when protestors were told where to pick up their belongings, the belongings were piled up outside 29 Hurdman Avenue, City property. Sacred objects including the grandfather drum, rattles and medicine were simply piled in with garbage on the side of the road. Indigenous elders have indicated that even when incarcerated, medicines are only removed from the cell of an Indigenous person and kept by an Elder. How was the decision made to leave the belongings on the side of the road? Did the City take any steps to consider how sacred indigenous items should be treated?*
6. *Does the City have a policy on how personal items are to be treated generally? For example, personal items are lost and found on OC Transpo all the time. If there is a policy, why was it not applied in this case?*

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[1] Note – at Council clarification was provided that the words “over a sixth bridge” in Committee Recommendation 5 referred to prioritizing these investments over investing in a sixth bridge, not that the STO tramway would cross over a sixth bridge.